



# भारत का राजपत्र The Gazette of India

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सं. 10]	नई दिल्ली, मार्च 16—मार्च 22, 2025, शनिवार/फाल्गुन 25, 1946—चैत्र 1, 1947
No. 10]	NEW DELHI, MARCH 16—MARCH 22, 2025, SATURDAY/PHALGUNA 25, 1946—CHAITRA 1, 1947

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

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भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

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भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

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विदेश मन्त्रालय  
(सी.पी.वी. प्रभाग)

नई दिल्ली, 13 मार्च, 2025

का.आ. 431.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारतीय दूतावास अबू दाबी में विनोद नाथ चौहान, सहायक अनुभाग अधिकारी को दिनांक मार्च 13, 2025 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2025(11)]

एस.आर.एच. फहमी, निदेशक (सीपीवी)

**MINISTRY OF EXTERNAL AFFAIRS**

**(CPV Division)**

New Delhi, the 13th March, 2025

**S.O. 431.**—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Vinod Nath Chouhan, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Abu Dhabi to perform the consular services as Assistant Consular Officer with effect from March 13, 2025.

[F. No. T. 4330/01/2025(11)]

S.R.H FAHMI, Director (CPV)

नई दिल्ली, 17 मार्च, 2025

**का.आ. 432.**—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार, मार्च 17, 2025 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशनों/पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के नीचे उल्लिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद(श्री/सर्व)	मिशन / पोस्ट जिसमें सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
1	प्रदीप सैनी, सहायक अनुभाग अधिकारी	भारत के प्रधान कौंसलावास, सिएटल
2	अक्षत अग्निहोत्री, वैक्तिक सहायक	
3	प्रकल्प यादव, वैक्तिक सहायक	

[फा. सं. टी. 4330/01/2025(12)]

एस.आर.एच. फहमी, निदेशक (सीपीवी)

New Delhi, the 17th March, 2025

**S.O. 432.**—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from March 17, 2025:

S. No	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Pradeep Saini, Assistant Section Officer	Consulate General of India, Seattle
2	Mr. Akshat Agnihotri, Personal Assistant	
3	Mr. Prakash Yadav, Personal Assistant	

[F. No. T. 4330/01/2025(12)]

S.R.H FAHMI, Director (CPV)

**कार्मिक, लोक शिकायत और पेंशन मंत्रालय****(कार्मिक और प्रशिक्षण विभाग)**

नई दिल्ली, 23 दिसम्बर, 2024

**का.आ. 433.**—केन्द्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री जोहिब हसन, अधिवक्ता को माननीय उच्च न्यायालय जम्मू-कश्मीर और लद्दाख के समक्ष, दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा संस्थित केंद्रीय अन्वेषण ब्यूरो, मामला सं. आर.सी. 0042020ए0005, केंद्रीय अन्वेषण ब्यूरो एसीबी, केंद्रीय अन्वेषण ब्यूरो बनाम आर बी शैक्षणिक न्यास और अन्य के मामले में और विधि द्वारा स्थापित किसी अपील या पुनरीक्षण न्यायालय में उक्त मामलों से उत्पन्न होने वाली किसी अपील, पुनरीक्षण या अन्य मामलों में अभियोजन का संचालन करने के लिए तारीख 04.07.2024 से तीन वर्ष की अवधि के लिए या मामले के निपटारे तक या अगला आदेश होने तक इनमें से जो भी पहले हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/26/2024-एवीडी-II]

राजीव कुमार खरे, अवर सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS****(Department of Personnel and Training)**

New Delhi, the 23rd December, 2024

**S.O. 433.**—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri Zoheb Hossain, Advocate as Special Public Prosecutor for conducting the prosecution of Central Bureau of Investigation case number RC0042020A0005, Central Bureau of Investigation, ACB, Jammu in the matter of Central Bureau of Investigation vs R B Educational Trust and others, instituted by Delhi Special Police Establishment (Central Bureau of Investigation) in the Hon'ble High Court of Jammu and Kashmir and Ladakh and any appeal, revision or other matters arising out of the said case in any appellate or revisional Court established by law, for a period of three years with effect from 04.07.2024 or till the disposal of the case or till further order, whichever is earlier.

[F. No. 225/26/2024-AVD-II]

RAJEEV KUMAR KHARE, Under Secy.

नई दिल्ली, 6 जनवरी, 2025

**का.आ. 434.**—केन्द्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री नीरज जैन और श्री ऋषि राज शर्मा, अधिवक्ताओं को, दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा संस्थित मामला संख्या आरसी 2172015ए0002सीबीआई/एसी-II/ नई दिल्ली (एंट्रिक्स-देवास मामला) के विशेष न्यायधीश न्यायालय, केन्द्रीय अन्वेषण ब्यूरो, राउस एवेन्यू, जिला न्यायालय परिसर, नई दिल्ली और तत्समय प्रवृत्त विधि द्वारा स्थापित किसी अपील या पुनरीक्षण न्यायालय में इन मामलों से उद्भूत किसी अपील, पुनरीक्षण या अन्य मामलों में अभियोजन का संचालन करने के लिए, मामले का निपटान होने तक या अगला आदेश होने तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/31/2023-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 6th January, 2025

**S.O. 434.**—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri Neeraj Jain and Shri Rishi Raj Sharma, Advocates as Special Public Prosecutors for conducting the prosecution of case No. RC 2172015A0002CBI/AC-II/New Delhi (Antrix-Devas Case) instituted by the Delhi Special Police Establishment (Central Bureau of Investigation) in the Court of Special Judge, Central Bureau of Investigation, Rouse Avenue District Courts Complex, New Delhi, and any appeal, revision or other matters arising out of this case in any appellate or revisional Court established by law, till the disposal of the case or until further order, whichever is earlier.

[F. No. 225/31/2023-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 4 फरवरी, 2025

**का.आ. 435.**—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री पूनम चंद सोलंकी और श्री श्याम सुंदर लदरेचा, अधिवक्ता को माननीय राजस्थान उच्च न्यायालय, जोधपुर के समक्ष लंबित दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषण किए गए मामलों के अभियोजन तथा इन मामलों से उद्भूत किन्हीं अपील, पुनरीक्षण और अन्य विषयों का संचालन करने के लिए उनकी नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगले आदेश तक, इनमें से जो भी पहले हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/1/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 4th February, 2025

**S.O. 435.**—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri Poonam Chand Solanki and Shri Shyam Sunder Ladrecha, Advocates as Special Public Prosecutors for conducting prosecution of cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), pending before the Hon'ble Rajasthan High Court at Jodhpur and any appeal, revision and other matters arising out of these cases for a period of three years from the date of their appointment or till further orders, whichever is earlier.

[F. No. 225/1/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 27 फरवरी, 2025

**का.आ. 436.**—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री ए. कार्तिक, अभिलेख अधिवक्ता को माननीय भारत के माननीय उच्चतम न्यायालय के समक्ष लंबित कोयला ब्लॉक आबंटन मामलों में मामला सं. रिट याचिका (आपराधिक) 120/2012 और अन्य संबंधित विषयों तथा विधि द्वारा स्थापित किसी अपील या पुनरीक्षण न्यायालय में इन मामलों से उद्भूत किसी अपील, पुनरीक्षण या अन्य विषयों में केंद्रीय जांच ब्यूरो के निमित्त अभियोजन का संचालन करने के लिए मामले के निपटारे तक या अगले आदेश तक, इनमें से जो भी पहले हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/07/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 27th February, 2025

**S.O. 436.**—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri A. Karthik, Advocate on Record

as Special Public Prosecutor for conducting prosecution on behalf of Central Bureau of Investigation in case number Writ Petition (Criminal) 120/2012 and other related matters in Coal Block Allocation Cases pending before Hon'ble Supreme Court of India and any appeal, revision and other matters arising out of the said case in any appellate or revisional Court established by law, till disposal of the case or until further order, whichever is earlier.

[F. No. 225/07/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 7 मार्च, 2025

**का.आ. 437.**—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री सलाम समरजीत सिंह, अधिवक्ता को, माननीय मणिपुर उच्च न्यायालय के समक्ष केंद्रीय अन्वेषण ब्यूरो की ओर से प्रस्तुत होने के लिए, तारीख 25.09.2024 से विशेष लोक अभियोजक से हटाती है और उस प्रयोजन के लिए, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 27 अप्रैल, 2024 में प्रकाशित भारत सरकार के कार्मिक, लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) की अधिसूचना संख्यांक का.आ. 729, तारीख 15 दिसम्बर, 2023 का संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में, “और श्री सलाम समरजीत सिंह” शब्दों का लोप किया जाएगा।

[फा. सं. 225/18/2021-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 7th March, 2025

**S.O. 437.**—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby removes Shri Salam Samarjeet Singh, Advocate as Special Public Prosecutor with effect from 25.09.2024 for appearing on behalf of Central Bureau of Investigation before the Hon'ble High Court of Manipur and for that purpose amends the notification of the Government of India, Ministry of Personnel Public Grievances and Pensions (Department of Personnel and Training) vide number S.O. 729 dated the 15<sup>th</sup> December, 2023, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 27<sup>th</sup> April, 2024, namely:-

In the said notification the words “and Shri Salam Samarjeet Singh,” shall be omitted.

[F. No. 225/18/2021-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 12 मार्च, 2025

**का.आ. 438.**—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री प्रशांत पल्लव और श्री दीपक कुमार भारती, अधिवक्ता को माननीय झारखंड उच्च न्यायालय, रांची के समक्ष लंबित दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषण किए गए मामलों के अभियोजन तथा इन मामलों से उद्भूत किन्हीं अपीलों, पुनरीक्षणों और अन्य विषयों का संचालन करने के लिए उनकी नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगले आदेश तक, इनमें से जो भी पहले हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/37/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 12th March, 2025

**S.O. 438.**—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri Prashant Pallav and

Shri Deepak Kumar Bharti, Advocates as Special Public Prosecutors for conducting prosecution of cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation) pending before the Hon'ble High Court of Jharkhand at Ranchi and any appeals, revisions and other matters arising out of these cases for a period of three years from the date of their appointment or till further orders, whichever is earlier.

[F. No. 225/37/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

## विज्ञान और प्रौद्योगिकी विभाग

नई दिल्ली, 12 मार्च, 2025

**का.आ. 439.**—श्री चित्रा तिरुनल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेंद्रम अधिनियम, 1980 (1980 की संख्या 52) की धारा 6 की उप-धारा (1) और (2) के साथ पठित धारा 5 के खंड-जे के प्रावधानों के तहत लोक सभा के निम्नलिखित दो सदस्यों को उक्त संस्थान के सदस्य के रूप में कार्य करने हेतु विधिवत निर्वाचित घोषित किया गया है:

क्र. सं.	सदस्यों के नाम	निर्वाचन की तिथि
1.	श्री ई.टी. मोहम्मद बशीर	14.12.2024
2.	डॉ. शशि थरूर	14.12.2024

2. उपरोक्त निर्वाचित सदस्यों का पदकाल निर्वाचन की तिथि से पाँच वर्ष होगा तथा यह पदकाल तब समाप्त हो जाएगा जब वे सदन के सदस्य नहीं रहेंगे, या लोकसभा के अध्यक्ष या उपाध्यक्ष बन जाए, या मंत्री बन जाए, जो भी पहले हो।

3. उपरोक्त सदस्यों की सदस्यता श्री चित्रा तिरुनल चिकित्सा विज्ञान एवं प्रौद्योगिकी संस्थान (SCTIMST), तिरुवनंतपुरम अधिनियम, 1980 के अन्य प्रावधानों के अधीन होगी।

[फा. सं. डीएसटी/एआई/एससीटीआईएमएसटी/आईबी/2023-पार्ट(1)]

रोहित कुमार, निदेशक, (एआई प्रभाग)

## DEPARTMENT OF SCIENCE AND TECHNOLOGY

New Delhi, the 12th March, 2025

**S.O. 439.**—In terms of the provisions of Clause-J of Section-5 read with Sub-section (1) and (2) of Section 6 of the Sree Chitra Tirunal Institute for Medical Sciences & Technology (SCTIMST), Trivandrum Act, 1980 (No. 52 of 1980), the following two members of Lok Sabha have been declared duly elected to serve as Members of the said Institute:

S.No.	Name of Members	Date of Election
1.	Shri E.T. Mohammed Basheer	14.12.2024
2.	Dr. Shashi Tharoor	14.12.2024

2. The term of Office of the above elected members shall be five years from the date of election and the same shall come to an end as soon as they cease to be Members of the House, or they become Speaker or Deputy Speaker of House of the People, or a Minister, whichever is the earliest.

3. The Membership of the above Members shall be subject to other provisions of Sree Chitra Tirunal Institute for Medical Sciences & Technology (SCTIMST), Trivandrum Act 1980.

[F. No. DST/AI/SCTIMST/IB/2023-Part(1)]

ROHIT KUMAR, Director, (AI Division)

**विद्युत मंत्रालय**

नई दिल्ली, 12 मार्च, 2025

**का.आ. 440.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

1.	एनर्जी एफिशिएंसी सर्विसेज़ लिमिटेड, फ्लोर एनर्जी मैनेजमेंट सेंटर, श्रीकृष्ण नगर, श्रीकार्यम पी.ओ., तिरुवनंतपुरम, केरल – 695017	2.	एनटीपीसी लिमिटेड, नॉर्थ करणपुरा सुपर थर्मल पावर प्रोजेक्ट, ग्राम- टंडवा, जिला- चतरा, झारखंड - 783369
3.	पावरग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड, 400/220 के.वी. शुजालपुर उपकेंद्र, ग्राम- चित्तौड़ा, पाचौर रोड, शुजालपुर, जिला- शाजापुर मध्य प्रदेश – 465333	4.	पावरग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड, 400/220 के.वी. उपकेंद्र बोईसर, पश्चिमी क्षेत्र II, महाराष्ट्र – 401501
5.	पावरग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड, 400/220 के.वी. उपकेंद्र- बैतुल, मध्य प्रदेश – 460001	6.	पावरग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड, 765/400/ के.वी. पूलिंग स्टेशन, पोस्ट- फूलपाड़ा जिला – अंगुल, ओडिशा – 759022

[फा. सं. 11011/01/2024-हिंदी]

धीरज कुमार श्रीवास्तव, मुख्य अभियंता (प्रभारी राजभाषा)

**MINISTRY OF POWER**

New Delhi, the 12th March, 2025

**S.O. 440.**—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the following offices under the administrative control of Ministry of Power, wherein 80% of the staff have acquired working knowledge of Hindi:

1.	Energy Efficiency Services Limited, Floor Energy Management Centre, Sreekrishna Nagar Sreekaryam P.O. Thiruvananthapuram, Kerala - 695017	2.	NTPC Limited, North Karanpura Super Thermal Power Project, Village- Tandwa, Distt- Chatra, Jharkhand - 825321
3.	Power Grid Corporation of India Limited, 400/220 kV Shujalpur Sub-Station, Village- Chitoda, Pachaur Road, Shujalpur, District – Shajapur Madhya Pradesh - 465333	4.	Power Grid Corporation of India Limited, 400/220 kV Sub-Station, Boisar, WR-II, Maharashtra - 401501
5.	Power Grid Corporation of India Limited, 400/220 kV GIS Sub-Station, Betul Madhya Pradesh - 460001	6.	Power Grid Corporation of India Limited, 765/400 kV Pooling Station, Post- Phulpada, Dist- Angul Odisha - 759022

[F. No. 11011/01/2024-Hindi]

DHIRAJ KUMAR SRIVASTAVA, Chief Engineer (In-Charge O.L.)

**श्रम और रोजगार मंत्रालय**

नई दिल्ली, 27 जनवरी, 2025

**का.आ. 441.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी- आर/101/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09/01/2025 को प्राप्त हुआ था।

[सं. एल - 22012/8/2017-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 27th January, 2025

**S.O. 441.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/101/2017**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.**, and their workmen, received by the Central Government on **09/01/2025**.

[No. 22012/8/2017 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR**

**NO. CGIT/LC/R/101/2017**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

**Shri Sobhalal Prajapati**

**S/o. Ram Pratap Prajapati**

**Ex-Dumper Operation, Amlari**

**O.C.M., Sohagpur Area,**

**Vill. Guari, Post Amgawan, P.S. Juthari**

**District – Shahdol (M.P.)**

**Workman**

**Versus**

**1. The General Manager**

**South Eastern Coalfields Ltd.**

**Sohagpur Area, Dhanpuri**

**District – Shahdol (M.P.)**

**2. The Sub Area Manager**

**Amlai Open Cast Mine, South Eastern**

**Coalfields Ltd., Amlai Sohagpur Area**

**Dhanpuri, District – Shahdol (M.P.)**

**Management**



**(JUDGMENT)****(Passed on this 23<sup>rd</sup> day of December-2024)**

As per letter dated 20/07/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of Industrial Disputes Act, 1947 as per Notification No. L-22012/8/2017/IR(CM-II) dt. 20/07/2017. The dispute under reference relates to:

- “1. Shri Sobhalal Prajapati, Ex-Dumper Operator, Amlai, OCM, Sohagpur Area, SECL, was dismissed from service on 27.11.99 for misconduct of impersonation and cheating, after departmental enquiry was later on acquitted by the Criminal Court for same offences on 16.05.2014. Whether, Shri Sobhalal Prajapati is entitled for reinstatement to the service of SECL or not ?**
- 2. Whether Shri Sobhalal Prajapati is entitled for back wages or not ? In case he is found eligible for reinstatement.**
- 3. When the guilt of Sobhalal Prajapati was not proved before the Criminal Court for offences under Section 419, 420 & 506 of IPC, the refusal made by the SECL management to reinstate him back to service is justified or not ?”**

After registering a case on the basis of the reference, notices were sent to the parties and were served. Parties appeared and file their respective Statement of Claims and Defense.

**According to the workman**, a criminal case against him was registered and was pending trial on the basis of same facts and allegations which were the subject matter of the charge in the preliminary issue. The management could not proceed with the departmental enquiry simultaneously when the criminal case against the Workman based on same allegations and facts was pending before competent court for trial. Furthermore, as alleged by the Workman in his statement of claim, the departmental enquiry was conducted against statutory provisions of law and justice in which he was not afforded proper opportunity to defend his case and two produces defence, nor was he afforded an opportunity to cross-examine the prosecution witnesses during the enquiry. He was wrongly held guilty for misconduct by the enquiry officer who submitted his enquiry report on November 5 1999, holding him guilty for misconduct. The charges were wrongly held proved by Inquiry Officer and the punishment awarded is also disproportionate to the charges. The workman has requested that setting aside the dismissal order, he be held entitled to reinstatement and be deemed in continuous service also be held entitled to all in service benefits.

Denying the allegations put by the Workman with respect to the departmental enquiry, the management has come up with the case that the Workman was initiated appointed in the year 1989 on the post of general mazdoor. One Sobhalal filed a complaint with the management, wherein he alleged that one Loknath got employment with the management impersonating himself as SobhaLal on the basis of Mark sheet of the complainant and the employment card of the complainant which the impersonator had stolen from the house of the complainant. A chargesheet alleging misconduct under clause 29.6 of the standing orders was issued against the applicant Workman on may 14, 1999 with the allegation that the applicant Workman impersonated himself to be Sobhalal by producing documents relating to Sobhalal and thus got employment with the management by giving false information regarding name, age, father's name and qualification in connection with the employment. The applicant submitted his written reply on May 18 1999 and finding, the written reply to the chargesheet not sufficient, management decided to conduct are departmental enquiry. Inquiry officer and presenting officer. Where appointed by management. The enquiry concluded in as many as 26 dates. The applicant was given full opportunity to cross-examine the management witnesses, which he did avail. He was also given opportunity to produce his witnesses and documents which he availed. The management examined as many as six witnesses during the enquiry which where cross-examined by the applicant. The enquiry officer submitted his report on November 6 1999, holding the applicant guilty of misconduct for charge as mentioned in Clause 26.9 of standing orders. The applicant was issued a show cause notice on November 11, 1999 with the copy of enquiry report by the disciplinary authority. He submitted his representation against the show cause notice. The disciplinary authority, after taking into account the representation of the applicant against show cause notice, and on the basis of enquiry report as well the evidence collected during the enquiry, conquered with the finding of the enquiry officer with respect to the proof of charges levelled against the applicant and passed the punishment of dismissal from service with effect from November 22, 1999 wide order dated November 27, 1999. Management admit that a first information report was also registered with the local police which was under investigation in which the applicant was acquitted on May 16, 2014, that is long after conclusion of departmental enquiry and passing the punishment order. **According to the management**, the charges were rightly held proved and a punishment is also proportionate to the charge.

Following preliminary issue was framed on the basis of pleadings:-

- 1. Whether the departmental enquiry conducted is legal and proper or not?**

In evidence, the workmen filed his affidavit as witness in which he correlated his allegations with regards to the departmental enquiry as elaborated earlier. He was cross-examined by management. He filed the certified copy of judgement of the court of judicial magistrate. In the criminal case as well certified copy of order of the Additional Sessions Judge in the Criminal Revision filed against order of acquittal.

Management examined its witness who was the enquiry officer during the enquiry. He deposed about the enquiry and proved the enquiry papers, including the complaint of the complainant, charge sheet issued to the applicant, his reply, order of management, instituting enquiry and appointment of enquiry officer as well presenting officer, enquiry papers and proceedings, enquiry report, show cause notice issued by the disciplinary authority on enquiry report, representation of the applicant on enquiry report and punishment order passed by the disciplinary authority.

Preliminary issue was decided vide order dated 02.02.2024 holding the departmental inquiry conducted legal and proper. This order is part of this Award.

Following **additional issues** are framed on the basis of pleadings-

2. **Whether the charges are proved from the inquiry?**
3. **Whether the punishment awarded is disproportionate to the charge?**
4. **Whether the applicant is entitled to any relief?**

Parties were directed to file their evidence on remaining issues in form of documents/affidavit. They did not file any evidence.

I have heard argument of learned Counsel Mr. S.K. Gupta for workman and learned Counsel Mr. Neeraj Kewat for management. I have gone through the record.

#### **Issue No.-2 :-**

Learned Counsel for management has referred to the enquiry papers, in support of his argument that the charge was rightly held proved by the Enquiry Officer.

Learned Counsel has submitted that the standard of proof required for charge to be proved in a departmental enquiry is not the same as it is in a criminal trial.

The settled proposition of law is that the charges need not be proved beyond reasonable doubt in a departmental enquiry. Following judgments are being referred to in this respect.

*Scope of disciplinary proceedings and scope of criminal proceedings are quite distinct, exclusive and independent of each other. Standards of proof in the two proceedings are also different. Ref. T.N.C.S. Corpn. Ltd. vs. K. Meerabai, (2006) 2 SCC 255*

*Standard of proof in a departmental enquiry which is quasicriminal/quasi-judicial in nature: Disciplinary proceedings, however, being quasi-criminal in nature, **there should be some evidence to prove the charge.** Although the charges in a departmental proceedings are not required to be proved like a criminal trial i.e. beyond all reasonable doubts, we cannot lose sight of the fact that the enquiry officer performs a quasijudicial function, who upon analyzing the documents must arrive at a conclusion that there had been a preponderance of probability to prove the charges on the basis of materials on record. While doing so, he cannot take into consideration any irrelevant fact. He cannot refuse to consider the relevant facts. He cannot shift the burden of proof. He cannot reject the relevant testimony of the witnesses only on the basis of surmises and conjectures. Ref: (i) **Nirmala J. Jhala Vs. State of Gujarat & Another, AIR 2013 SC 1513 (paras 10, 11, 12 & 13).** (ii) **M.V. Bijlani Vs. Union of India, (2006) 5 SCC 88 (Para 25)***

*In the cases of (i) **NOIDA Entrepreneurs Association Vs NOIDA & others, AIR 2007 SC 1161 (i4i) State Bank of India Vs. R.B. Sharma, (2004) 7 SCC 27 (iii) Kendriya Vidyalaya Sangathan Vs. T. Srinivas, (2004) 7 SCC 442 (iv) Depot Manager, APSRTC Vs. Mohd. Yousuf Miya, (1997) 2 SCC 699 (v) Captain M. Paul Anthony Vs. Bharat Gold Mines Limited (1999) 3 SCC 679 and (vi) State of Rajasthan Vs. B.K. Meena, (1996) 6 SCC 417 (vi) Pratap Singh Vs. State of Punjab, AIR 1964 SC 72 (vii) Jang Bahadur Singh Vs. Baij Nath, AIR 1969 SC 30, it has been laid down by the Hon'ble Supreme Court that "the purpose of departmental enquiry and of prosecution are two different and distinct aspects. Departmental Enquiry is to maintain discipline in the service and efficiency of public service. Crime is an act of commission in violation of law or of omission of public duty. The enquiry in a departmental proceeding relates to the conduct or breach of duty by the delinquent officer to punish him for his misconduct defined under the relevant statutory rules or law. It is the settled legal position that the strict standard of proof or applicability of the Evidence Act stands excluded in a departmental proceeding. Criminal Proceedings and the departmental proceeding under enquiry can go on simultaneously."***

*In the case of **T.N.C.S. Corporation Ltd. Vs. K. Meerabai, (2006) 2 SCC 255**, it has been held by the Hon'ble Supreme Court that the scopes of the disciplinary proceedings and of criminal proceedings are quite distinct, exclusive and independent of each other. Standards of proof in the two proceedings are also different.*

*In the cases of Mohd. Saleem Siddiqui Vs. State of UP & others, (2011) 2 UPLBEC 1575 (Allahabad High Court) and Ajeet Kumar Naag Vs. General Manager Indian Oil Corporation Ltd. Haldia, JT 2005 (8) SC 425, the distinction between departmental enquiry and criminal proceedings has been drawn as under: "The two proceedings i.e. criminal and departmental are entirely different. They operate in different fields and have different objectives. The object of criminal proceedings is to inflict appropriate punishment on offender and the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance service rules the rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of accused beyond reasonable doubts, he cannot be convicted by a court of law. In departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of preponderance of probability. Procedure with respect to standard of proof in criminal case and departmental enquiry are different. In the case of departmental enquiry the technical rules of evidence have no application and the doctrine of "proof beyond doubt" has also no application in the departmental enquiry. Criminal prosecution is launched for an offence for violation of a duty the offender owes to the society or for breach of which law has provided that the offender shall make satisfaction to the public. So crime is an act of commission in violation of law or of omission of public duty. The departmental enquiry is to maintain discipline in the service and efficiency of public service. There would be no bar to proceed simultaneously with departmental enquiry and trial of criminal case. "*

I have gone through the enquiry papers and judgment of the Criminal Court. Judgment of the Criminal Court shows that the accused workman was acquitted because material prosecution witnesses turned hostile and they did not support the case of prosecution. The accused was acquitted giving him benefit of doubt. Also it is settled that judgment of Criminal Court arrived much after conclusion of inquiry and passing punishment order. On perusal of inquiry papers and evidence during inquiry I am of the considered view that the finding of Inquiry Officer regarding proof of charges is based on evidence and by no yardstick, can be held perverse.

Accordingly, upholding the finding of the Inquiry Officer, the charges against the workman are held proved, issue no.-2 is answered accordingly.

### **Issue No.-3 :-**

Learned Counsel for management has referred to judgment of Hon'ble Supreme Court in the case of Maharashtra State Road Transport Corporation vs. Dilip Uttam Jaya Bhai (2022) 2 SCC 696 and has submitted that integrity is the core value that has to be maintained by an employee while in service. No employer can afford to have an employee on its rolls who has no integrity left in him.

The settled proposition of law is that the punishment can be interfered by this Tribunal only when it is so disproportionate to the charge that it shocks the conscience of this Tribunal. Following judgments are being referred to in this respect.

Hon'ble Apex Court in *B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749* while discussing about the scope of judicial review, in disciplinary matters, has observed as under:

*"The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mold the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, imposed appropriate punishment with cogent reasons in support thereof."*

In *DG, RPF vs. Sai Babu (2003) 4 SCC 331*, Hon'ble Apex Court has observed that:

*"6..... Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of an discipline required to be maintained, and the department/establishment which the delinquent person concerned works."*

In *United Commercial Bank vs. P.C. Kakkar (2003) 4 SCC 364* Hon'ble Apex Court on review of a long line of cases and the principles of judicial review of administrative action under English law summarized the legal position in the following words:

*"11. The common thread running through in all these decisions is that the court should not interfere with the administrators' decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the*

administrator. The scope of judicial review is judicial review is limited to the deficiency in decision-making process and not the decision.

12. To put it differently, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof.”

In *Union of India vs. S.S. Ahluwalia* (2007) 7 SCC 257 Hon’ble Supreme Court reiterated the legal position as follows:

“8. .... The scope of judicial review in the matter of imposition of penalty as a result of disciplinary proceedings is very limited. The court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved.”

In *State of Meghalaya v. Mecken Singh N. Marak* (2008) 7 SCC 580 Hon’ble Supreme Court stated that:

“The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review.

Hon’ble Apex Court in *Administrator, Union Territory of Dadra and Nagar Haveli vs. Gulbhia M. Lad* (2010) 2 SCC (L&S) 101 has observed that

“The legal position is fairly well settled that while exercising the power of judicial review, the High Court or a Tribunal cannot interfere with the discretion exercised by the disciplinary authority, and/or on appeal the appellate authority with regard to the imposition of punishment unless such discretion suffers from illegality or material procedural irregularity or that would shock the conscience of the court/tribunal. The exercise of discretion in imposition of punishment by the disciplinary authority or appellate authority is dependent on host of factors such as gravity of misconduct, past conduct, the nature of duties assigned to the delinquent, responsibility of the position that the delinquent holds, previous penalty, if any, and the discipline required to be maintained in the department or establishment he works. Ordinarily the court or the tribunal would not substitute its opinion on reappraisal of facts.

This extract is taken from *State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya*, (2011) 4 SCC 584 : (2011) 1 SCC (L&S) 721 : 2011 SCC OnLine SC 416 at page 587

7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations. (Vide *B.C. Chaturvedi v. Union of India* [(1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44] , *Union of India v. G. Ganayutham* [(1997) 7 SCC 463 : 1997 SCC (L&S) 1806] , *Bank of India v. Degala Suryanarayana* [(1999) 5 SCC 762 : 1999 SCC (L&S) 1036] and *High Court of Judicature at Bombay v. Shashikant S. Patil* [(2000) 1 SCC 416 : 2000 SCC (L&S) 144] .)

In *Air India Corporation Bombay vs. V.A. Ravellow* 1972 (25) FLR 319 (SC) it has been observed that:

“Once the employer has lost the confidence in the employee and the bona fide loss of confidence is affirmed, the order of punishment must be considered to be immune from challenge, for the reason that discharging the office of trust and confidence requires absolute integrity, and in a case of loss of confidence, reinstatement cannot be directed.”

In *Knhaiyalal Agarwal and others vs. Factory Manager, Gwalior Sugar Co. Ltd.* AIR 2001 SC 3645 Hon’ble Apex Court laid down the test for loss of confidence to find out as to whether there was bona fide loss of confidence in the employee, observing that:

“Loss of confidence cannot be subjective, based upon the mind of the management. Objective facts which would lead to a definite inference of apprehension in the mind of the management, regarding trust worthiness or reliability of the employee, must be alleged and proved.”

Charges proved are that the workman impersonated and got employment. He furnished wrong information with regard to his identity in getting employment, this is misconduct under Clause-26.9 of Certified Standing Orders, which provide major punishment. This is an act of moral turpitude. Keeping in view the nature and seriousness of the

charge proved, the punishment of his dismissal from service cannot be held disproportionate to the charge. Hence, holding the punishment not disproportionate to the charge, issue no.-3 is answered accordingly.

**Issue No.-4 :**

On the basis of findings recorded above, the workman is held entitled to no relief.

Accordingly, the Reference is answered as follows :-

**AWARD**

**Holding the action of management of South Eastern Coalfields Limited (SECL) in imposing the penalty of dismissal from service vide order dated 27.11.1999 upon the workman Shri Sobhalal Prajapati, Ex-Dumper Operator, Amlai OCM, Sohagpur Area, SECL and refusal to reinstate on the ground of his acquittal from Criminal Court just, legal and proper, the workman is held entitled to no relief.**

**No order as to cost.**

**DATE:- 23/12/2024**

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 जनवरी, 2025

**का.आ. 442.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत के चिकित्सा परामर्शदाता और हीरा सुरक्षा कर्मियों के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नं. II, नई दिल्ली** के पंचाट (आई डी नम्बर **106/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **27/01/2025** को प्राप्त हुआ था।

[सं. एल - 22013/01/2025आई.आर. (सी.एम-I)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 28th January, 2025

**S.O. 442.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID No. 106/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court NO.II, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **Medical Counsel of India and Diamond Security personnel** and their workmen, received by the Central Government on **27/01/2025**.

[No. L-22013/01/2025- IR (CM-I)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI**

**I.D. No. 106/2018**

**Sh. Ram Krapal Jaiswal, S/o Sh. Ram Sajiwan,**

RZH-371/C-2, Gali No.-4, Raj nagar-2,

Palam Colony, New Delhi-110045.

Versus

**1. Medical Counsel of India, Pocket-14, Sector-8,**

**Phase-1, Dwarka, New Delhi-110077.**

**2. Diamond Security Personnel, 105, 1<sup>st</sup> Floor, 389 Masjid Moth,**

NDSE-2, New Delhi-110049.

*Appearance:-**For Claimant: None**For Managements: None***AWARD**

This is an application of U/S 2A of the Industrial Disputes Act (here in after referred as an Act). Claimant had stated in his claim statement that he had been working with the respondent since 01.12.2016 at the post of Guard at the last drawn salary Rs. 8,000/- Per month. He did his work well and has not given any chance of making any complaint to the management nor he was charged while he was in service. During the services, management had obtained his signature on blank papers and has not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, weekly and events holidays etc. When the workman demanded the same, without any rhyme or reason or without issuing any notice he was illegally terminated from his job by the management on 05.01.2018. He had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, he has filed the present claim.

WS have been filed by the Management-1& 2. They have denied the averment made in his claim statement. They also submit that claim is not maintainable and is liable to be dismissed.

After completion of the pleadings, following issues have been framed vide order dated 18.07.2019 i.e.-

1. Whether any relationship of employer and employee exists between M1 and M2 in one side with the claimant?
2. Whether the service of the workman was illegally terminated by the management/respondent.
3. To what relief the workman is entitled to.

Now, the matter is listed for workman evidence. Workman is required to adduce his evidence. Despite providing a number of opportunities, neither the claimant nor his AR is appearing to substantiate his claim.

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer.

Date: 06.11.2024

नई दिल्ली, 12 मार्च, 2025

**का.आ. 443.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 15/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/02/2025 को प्राप्त हुआ था।

[सं. एल - 22011/5/2012-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 12th March, 2025

**S.O. 443.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 15/2013**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **25/02/2025**

[No. 22011/5/2012 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**  
**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW**  
**PRESENT**

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 15/2013

Ref. No. L-22011/5/2012-IR(CM-II) dated: 18.02.2013

**BETWEEN**

General Secretary

Bhartiya Khadya Nigam Mazdoor Sangh,

Via. Sh. Manish Pal & others, 82/23-C, Guru Gobind Singh Marg

Lal Kuan, Lucknow-226001

**AND**

1. Area Manager, Food Corporation of India

Distt. office, 7-R, Dalibagh, Lucknow.

2. General Manager, Food Corporation of India,

TC/3V, Gomti Nagar, Lucknow

3. Executive Director(North Zone), Food Corporation of India,

Zonal office, 2-A-2B, Sector-24, NOIDA, U.P-201301

**AWARD**

By order No. the present industrial dispute has been referred for adjudication to this CGIT-cum-Labour Court, Lucknow in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

*“क्या प्रबंधक, भारतीय खाद्य निगम, लखनऊ. व मुख्यालय द्वारा श्री पुती लाल पुत्र श्री गोला लोधा व श्री कुँवर चन्द पुत्र श्री स्व० मैकू लाल, कैजुअल लेबर को पुनर्नियुक्ति के बाद इन्हें सेवा में नियमित न किया जाना तथा नियमित वेतनमान का भुगतान न किया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने के हकदार है?”*

In response to the same on behalf of claimants viz. Sri Putti Lal s/o Sri Late Gola Lodhi and Sri Kunwar Chand S/o Late Miku Lal filed the claim petition before this Tribunal on 25.03.2013.

Thereafter, the pleadings have been exchanged between the parties.

During the pendency of the case, on behalf of respondent, Sri Bhanu Pratap, filed an affidavit dated 01.10.2024 alongwith application dated 09.10.2024 indicating the following facts:

*“1. That the applicants Late Putti Lal & Kunwar Chand instituted one Industrial Dispute in respect of the Regularisation of the Services under the provisions of the Industrial Dispute Act-1947 which is pending before the Hon'ble Tribunal.*

*2. That during the pendency of the suit on the advice of Hon'ble Tribunal both the parties resolve the matter amicably.*

*3. That during the pendency of the suit Putti Lal an Employee of the Opp. Parties was serving under the Divisional Office- Lucknow situated at 7 R, Tilak Marg, Butler Colony, Dalibagh, Lucknow [U.P.] died on 12.08.2024 after executing registered WILL dated- 05.08.2024 vide Registered at Sub-Registrar, Hasanganj, Unnao at Bahi No.-3, Zild No.-239, Page No.-227-234, Serial No.-290 in favour of his wife Smt. Budhana (Second Party) declaring her Sole Successor after his death*

*4. That in terms of the settlement Opp. Parties paid an amount of Rs. 48,81,448.00 (Forty Eight Lakhs Eighty One Thousand Four Hundred Forty Eight) towards Wage Difference and terminal benefits to Budhana W/o Late Puttilal and Rs.-57,94,179.00 (Fifty Seven Lakhs Ninety Four Thousand One Hundred Seventy Nine) towards Wages Difference & Terminal benefit towards Full and Final Settlement respectively. Copy of Agreement & Undertaking has been Annexed herewith As Annexure No.-1,2,3 & 4*

5. That now it is expedient and necessary in the circumstances and facts disclosed in the application, claim of the Applicant is required to be drop/close.”

Sri Rajendra Prasad, advocate along with Sri Kunwar Chand and Smt. Budhana W/o Sri Putti Lal (deceased) are present and they submit that the facts as stated in the affidavit, quoted hereinabove, are correct.

For the foregoing reasons, the reference is disposed of in terms of observations made hereinabove.

The reference under adjudication is answered accordingly.

Award as above.

Lucknow.

13<sup>th</sup> January, 2025.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 12 मार्च, 2025

**का.आ. 444.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 14/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/03/2025 को प्राप्त हुआ था।

[सं. एल - 20013/01/2025-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 12th March, 2025

**S.O. 444.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 14/2024**) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**, and their workmen, received by the Central Government on **03/03/2025**.

[No. L-20013/01/2025 – IR (CM-I)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 14/2024**

Employer in relation to the management of Washery Devision of M/s BCCL, Saraidhela, Dhanbad.

AND.

Their workman.

Present: **Sri Dinesh Kumar Singh**

Presiding Officer/Link Officer

#### **Appearances:**

For Employer :- Sri Navin Mohan, Ld. Advocate.

For Workman :- None.

State : Jharkhand.

Industry:- Coal

Dated 13/02 /2025



**AWARD**

By Order No.1/(33)/2024.A.7 dated 27.03.2024 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by sub-section (5) of Section 12 read with sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Washery Division of M/s BCCL in not regularizing Shri Heera Lal Sah, Clerk Pers. no. 61351733 in the post of Caretaker is fair and justified? If not, what relief he is entitled to”**

2. The reference is received on 28/03/2024 by this Tribunal in which the Secretary, Bihar Colliery Kamgar Union, Washery Division Branch, CCWO Colony, Saraidhela, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed and workman/union did not appear before this Tribunal. Further during the pendency of the case, the Representative of concerned workman Sri A.K. Jha appeared on 07.08.2024 and files a petition stating therein that the union was not interested in contesting case and prayed for closure of case.

Now it appears that the union is not interested to proceed with the reference case and has prayed for withdrawal of the dispute which is allowed. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer/Link Officer

नई दिल्ली, 12 मार्च, 2025

**का.आ. 445.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 96/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/03/2025 को प्राप्त हुआ था।

[सं. एल - 22012/75/2002-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 12th March, 2025

**S.O. 445.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 96/2002) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of BCCL, and their workmen, received by the Central Government on 03/03/2025.

[No. L-22012/75/2002 – IR (CM-I)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947.

**Reference: No. 96/2002**

Employer in relation to the management of Kustore Area of M/s. BCCL.

AND

Their workman.

Present: **Shri Dinesh Kumar Singh**

Presiding Officer/Link Officer

**Appearances:**

For the Employers :- None.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 13/02 /2025

**AWARD.**

By Order No.L-20012/75/2002-IR(C-I) dated 28/08/2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

“क्या आवेदक सुश्री कुंता कुमारी सुपुत्री स्व० जासवा ओरांग (माता), कर्मकार ईस्ट भुगतडीह कोलियरी, कुस्टोर क्षेत्र, भा.को.को.लि. एवं स्व. नंद लाल महतो (पिता), कर्मकार ईस्ट भुगतडीह कोलियरी, कुस्टोर क्षेत्र, भा.को.को.लि., एन सी डब्ल्यू ए के प्रावधानानुसार अनुकंपा आधार पर सेवा योजन के लाभ की हकदार हैं? यदि हाँ तो इस संबंध में क्या निर्देश आवश्यक हैं?”

2. This reference is received on 11/01/2002 by this Tribunal in which the Secretary, Colliery Kramchaari Sangh, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Thereafter notice of the workman/union returned with endorsement “insufficient address”. Now Case is pending since 11/01/2002 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer/Link Officer

नई दिल्ली, 12 मार्च, 2025

**का.आ. 446.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 35/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/03/2025 को प्राप्त हुआ था।

[सं. एल - 20013/01/2025आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 12th March, 2025

**S.O. 446.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2023) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**, and their workmen, received by the Central Government on **03/03/2025**.

[No. L-22013/01/2025- IR (CM-I)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 35/2023**

Employer in relation to the management of Bastacolla Area of M/s. BCCL.

AND.

Their workman.

Present: **Sri Dinesh Kumar Singh**

Presiding Officer/Link Officer

**Appearances:**

For Employer :- Sri D.K. Verma, Ld. Advocate.

For Workman :- Sri K.N. Singh, Representative

State : Jharkhand.

Industry:- Coal

Dated 13/02/2025

**AWARD.**

By Order No.1/(06)/2023.A.7 dated 21/22.09.2023 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by sub-section (5) of Section 12 read with sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Dobari Colliery under Bastacolla Area of M/s BCCL in not accepting date of birth of Sri Subhash Paswan, Ex-S.D.L. Operator, Pers. No. 02551240 as mentioned in Form-“B” Register i.e. 05.01.1967 is fair and justified? If not, to what relief the concerned workman is entitled?”**

2. The reference is received on 19/09/2023 by this Tribunal in which the Vice-President, Janta Mazdoor Sangh, Jharia, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed and workman/union appeared on 26/09/2023 but subsequently did not appear before this Tribunal. However management has appeared on certain dates. Further during the pendency of the case, the Representative of concerned workman Sri Subhash Paswan appeared on 04.07.2024 and files a petition stating therein that the concerned workman was not interested in contesting case and prayed for withdraw above referred dispute. Sri K.N. Singh Representative on behalf of the Union/workman appeared on 12.02.2025 and submitted that petition dated 04.07.2024 for withdrawal of this case may be allowed.

Now it appears that the union is not interested to proceed with the reference case and has prayed for withdrawal of the dispute which is allowed. Hence “No Claim” Award is passed. Communicate.

D.K. SINGH, Presiding Officer/Link Officer

नई दिल्ली, 17 मार्च, 2025

**का.आ. 447.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैनेजर मै० हिन्दुस्तान कन्स्ट्रक्शन कंपनी लि० के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भीलवाड़ा के पंचाट (56/2022) प्रकाशित करती है।

[सं. एल - 12025/01/2025आई.आर. (बी-1) -37]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 447.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.56/2022) of the *Indus.Tribunal-cum-Labour Court Bhilwara* as shown in the Annexure, in the industrial dispute between the management of Manger, M/s.Hindustan Construction Company Limited and their workmen.**

[No. L-12025/01/2025 – IR (B-I)-37]

SALONI, Dy. Director

**अनुलग्नक**

औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, भीलवाड़ा, राज. :

पीठासीन अधिकारी:—श्री सुशील कुमार शर्मा, (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या 56/2022 एल.सी.आर.

श्री नाराण गुर्जर पुत्र श्री उंकार गुर्जर, द्वारा.

अध्यक्ष, महामंत्री, निर्माण एवं असंगठित श्रमिक संघ,

दशहरा मैदान के पास मेनरोड,

चारभुजा, रावतभाटा, जिला—चित्तौड़गढ़ ।

—प्रार्थी

## बनाम

- 1— प्रोजेक्ट मैनेजर ए.मै० हिन्दुस्तान कन्स्ट्रक्शन कंपनी लि०, 7-8, आर.ए.पी.पी., रावतभाटा, जिला—चित्तौड़गढ़।
- 2— मै० सब कोन्ट्रेक्टर, बाबूलाल बंजारा, द्वारा.मै० हिन्दुस्तान कन्स्ट्रक्शन कंपनी लि०, आर.ए.पी.पी., साईट 7-8, रावतभाटा, जिला—चित्तौड़गढ़।
- 3— परियोजना निदेशक, आर.ए.पी.पी., साईट 7-8, रावतभाटा, जिला—चित्तौड़गढ़।

—विपक्षीगण

उपस्थित:—

प्रार्थी की ओर से कोई उपस्थित नहीं।

श्री आर.एस. सोडाणी, अधिवक्ता विपक्षी सं० दो की ओर से।

:: पंचाट ::

दिनांक 13.07.2024

प्रार्थी ने स्वयं का सेवा पृथक्करण बाबत विवाद विपक्षीगण के विरुद्ध धारा 2.ए औ०वि०अधि० 1947 के तहत इस न्यायालय में पेश किया।

प्रार्थी की ओर से विपक्षीगण से राजीनामा कर लेने के फलस्वरूप प्रकरण में कोई कार्यवाही नहीं चाहने बाबत प्रार्थनापत्र दिनांक 15.3.2024 को प्रस्तुत कर दिया गया है। चूंकि प्रार्थी का विपक्षीगण से राजीनामा हो गया है तथा अब वह प्रकरण में कोई कार्यवाही नहीं चाहता है। अतः "कोई विवाद नहीं रहा" आशय का पंचाट जारी किया जाता है।

पंचाट की प्रति केन्द्र सरकार को प्रकाशनार्थ भेजी जाये।

सुशील कुमार शर्मा, न्यायाधीश

पंचाट आज दिनांक 13.7.2023 को खुले न्यायालय में सुनाया गया।

नई दिल्ली, 17 मार्च, 2025

**का.आ. 448.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (एलसी/आर-05/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/03/2025 को प्राप्त हुआ था।

[सं. एल - 22012/113/2022-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 448.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/05/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.**, and their workmen, received by the Central Government on **07/03/2025**.

[No. L-22012/113/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/05/2023****Present: P.K.Srivastava****H.J.S..(Retd)****The General Secretary****Koyla Shramik Shakti Congress****Ward No. 63, PO banki Mogra,****District Korba (CG)-495447****Workman**

Vs

## 1. The Chairman-cum-Managing Director

South Eastern Coalfields Limited

PS – Sarkanda, Seepat Road

Distt.- Bilaspur (CG)-495006

## 2. The Sub-Area Manager

SECL, Banki Sub-Area

Post – Banki Mogra

Distt.- Korba (CG)-495457

Management

**(JUDGMENT)****(Passed on this 28<sup>th</sup> day of February-2025)**

As per letter dated 03.01.2023 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/113/2022-IR(CM-II) dt. 03.01.2023. The dispute under reference related to :-

*“Whether the action of the management of SECL, Bilaspur (CG) in not providing compassionate appointment to Smt. Jhiniya Bai D/o. Late Thanu Das under the provisions of NCWA or in not providing monetary compensation in lieu of it along with interest from the date of death of Late Thanu Das till the date of actual payment is fair, legal and justified ? If not, what relief the deceased workman is entitled to ?”*

I have heard arguments of both the sides.

Facts are almost admitted in the case. The employment of Thanu Das with the management and the factum of his death while in service of management is admitted between the parties. According to management compassionate appointment was not granted to the daughter of the deceased workman because she was a minor at the time of death of the workman and her name was not there in the live register. Management admits that in case compassionate appointment is not granted to dependant of a deceased workman who died in service, her widow will be entitled to monetary benefits/compensation as provided under **Clause 9.5.0 of NCWA VIII**.

**Hence, in this situation the widow of the deceased workman is held entitled to monetary compensation due to death of her husband in service, in the light of Clause 9.5.0 of NCWA VIII, since the date of his death, within 30 days from date of publication of Award, failing which interest @ of 6% p.a. from the date of Award till payment and the reference stands answered accordingly.**

No order as to cost.

DATE:-28/02/2025

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 मार्च, 2025

**का.आ. 449.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (35/2022-23) प्रकाशित करती है।

[सं. एल - 39025/01/2025-आई.आर. (बी-II) -05]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 449.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 35/2022-23) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court*

**Nagpur as shown in the Annexure, in the industrial dispute between the management of Canara Bank their workmen.**

[No. L-39025/01/2025 – IR (BII)-05]

SALONI, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR  
COURT, NAGPUR**

Case No.CGIT/NGP/35/2022-23

Date: 23.01.2025.

**Party No.1:** Shri Arun S. Mandurkar,  
R/o Dr. Mukherjee Ward,  
Behind Nutan Kanya School,  
Bhandara-441904

V/s.

**Party No.2:** The Regional Manager,  
Canara Bank, Regional Office-Canal Road,  
90, Ramdaspath, Nagpur-440010.  
The Branch Manager,  
Canara Bank, Chikla, PO-Gobarwahi,  
Tah. Tumsar, Distt. Bhandara-441904.

**AWARD**

(Dated: 23<sup>rd</sup> January, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Canara Bank and their workman, Shri Arun S. Mandurkar for adjudication, as per letter **No.NGP/7(02)/2022-ID(ALCNGP) dated 20.01.2023**, with the following schedule:-

**"Whether the action of the management of Canara Bank in terminating services of Shri Arun S. Mandurkar, workman, Branch Chiikla, Distt, Bhandara (MS) is legal and justified? If not, what relief the workman is entitled to?"**

2. Case called out. Both the parties are absent. This reference has been received on 23.01.2023. Order has passed to register the case and notice has been issued to the parties. With regard to service of notice acknowledgement is attached with file in which notice have been served to the petitioner as well as respondent. But none is responding on behalf of both the parties. No statement of claim and written statement have been filed till date. Case is not proved by petitioner by adducing his evidence on record.

3. As the petitioner is not coming since 25.05.2024 shows that petitioner is not interested to contest the case and did not want to proceed with the reference, so it was closed.

The case of the petitioner is not proved.

Hence, it is ordered:

**ORDER**

**The action of the management of Canara Bank in terminating services of Shri Arun S. Mandurkar, workman, Branch Chiikla, Distt, Bhandara (MS) is legal and justified. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 17 मार्च, 2025

**का.आ. 450.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वरिष्ठ महाप्रबंधक, आयुध निर्माणी रक्षा परियोजना, अंबाझरी के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (46/2022-23) प्रकाशित करती है।

[सं. एल - 12025/01/2025-आई.आर(बी-1) -38]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 450.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 46/2022-23) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of The Sr. General Manager Ordnance Factory Defence Project, Ambajhari and their workmen.**

[No. L-12025/01/2025 – IR (B-I)-38]

SALONI, Dy. Director

**ANNEXURE****BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/46/2022-23

Date: 21.01.2025.

**Party No.1:**

1)The Sr. General Manager,  
Ordnance Factory, Defence  
Project, Ambajhari, Nagpur.  
Pin – 440021.  
Sh. Ashish Jaipuriya, Contractor,  
M/s Perfect Roadways, 207 – A,  
Gayatri Tower, Lakadganj, Nagpur.  
Pin – 440021.

V/s.

**Party No.2:**

Sh. Prashant S. Tayade & 1 Other,  
R/o Plot No. 30, Hill Top Colony,  
Tijare Layout, 8 Mile, Amravati Road,  
Nagpur – 440021.

**AWARD**(Dated: 21<sup>st</sup> January, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) (“the Act” in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Ordnance Factory Defence Project Ambajhari Nagpur and their workman, Shri Prashant Tayade for adjudication, as per letter **No.NGP/8(10)/2022-ID(ALCNGP) dated 16.02.2023**, with the following schedule:-

**“Whether action of the management of M/s Perfect Roadways, Contractor of Ordnance Factory, Ambajhari in terminating Shri Prashant S. Tayade & workman/Contractor Labour, is fair, legal and justified? If not, to what relief Workmen are entitled for.?”**

2. Case called out. Both the parties are absent. This reference has been received on 27.02.2023. Order has passed to register the case and notice has been issued to the parties. On 23.03.2023 management representative was present. With regard to service of notice acknowledge is attached with file in which notice have been served to the petitioner as well as respondent. But none is responding on behalf of both the parties. No statement of claim and written statement have been filed till date. Case is not proved by petitioner by adducing his evidence on record.

3. As the petitioner is not coming since begining i.e. from 23.03.2023 shows that petitioner is not interested to contest the case and did not want to proceed with the reference, so it was closed.

The case of the petitioner is not proved.

Hence, it is ordered:

**ORDER**

**The action of the management of M/s Perfect Roadways, Contractor of Ordnance Factory, Ambajhari in terminating Shri Prashant S. Tayade & workman/Contractor Labour, is fair, legal and justified. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 17 मार्च, 2025

**का.आ. 451.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (03/2012) प्रकाशित करती है।

[सं. एल - 12025/01/2025-आई.आर(बी-1) -37]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 451.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 03/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025 – IR (B-I)-37]

SALONI, Dy. Director

#### ANNEXURE

#### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

**NO. CGIT/LC/RC/03/2012**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

Gajanand Meratwal,

S/o Shri Ramchandra Meratwal,

Ex-Special Assistant,

State Bank of India, Ranapur (M.P.),

R/o Near Saraswati Shishu Mandir,

Laxmi Nagar, Jhabua – 457661 (M.P.)

**Workman**

**Vs**

**1. The Deputy General Manager**

(O&C - NW – II) & Notified

Appellate Authority (NAA),

State Bank of India, Administrative Office,

Bhopal – 462011

**2. Assistant General Manager (Admn.)**

& Notified Disciplinary Authority (NDA),

Administrative Office,

Bhopal - 462011

**Management**

#### **(JUDGMENT)**

**(Passed on this 07<sup>th</sup> day of February-2025)**

The Workman Gajanand Meratwal has filed petition under Section 2(A) (2&3) of the Industrial Disputes Act, 1947, hereinafter referred to by the word 'Act' against order of Management dated 24.01.2012 awarding him punishment of dismissal for the charge of misconduct proved against him.



**Case of the workman** is mainly that he was charged with certain alleged irregularities vide charge sheet dated 29-03-2006 enumerating five allegations of misconduct. He submitted a detailed para wise reply with respect to the charges on 17.04.2006 duly supported by documents. The department decided to conduct a formal departmental inquiry ignoring the dictates of reasonable opportunity and all principles of natural justice and in gross violation of law. The Disciplinary Authority issued a show cause notice on the basis of the inquiry Report dated 14.11.2007, proposing the punishment of 'dismissal from service' which was replied by workman dated 22.11.2007. The Workman also submitted certified true copy of order dated 06.07.2007 passed by the District Programme Officer (Woman & Child Development), District, Jhabua, holding after due investigation regarding the same complaint with same allegations and found the charges not proved. This investigation was done under the orders of Collector Jhabua but the Disciplinary Authority passed the impugned order of punishment. According to the workman the departmental inquiry was also vitiated on the ground of denial of proper opportunity to the workman to defend his case, also due to breach of Clause 12A of Memorandum of settlement dated 10.04.2002. According to the petitioner, charges were wrongly held not proved and the punishment was also excessive.

**The Case of the Management** is mainly that the charge sheet was issued to the workman on 29.03.2006. He submitted his reply on 17.04.2006, denying the charges. The Department decided to conduct a departmental inquiry. Mr. M.K. Sharma, Branch Manager, Commercial Branch Ratlam was appointed as Inquiry Officer and Shri Satish Joshi, Branch Manager, Ranapur Branch was appointed as the Presiding Officer. The inquiry was conducted strictly in accordance with the principles of natural justice and the workman was given full opportunity to defend himself which he did avail. The Inquiry Officer submitted his report holding some of the charges proved with respect of Charge No.1(17) and Charge No. 5 and also held the rest of the charges not proved. The Disciplinary Authority after concurring with the findings of the Inquiry Officer, forwarded the copy of the inquiry report with the show cause notice to workman to explain him regarding the finding and punishment proposed. The Punishment order was passed after considering the explanation of the workman dated 26.09.2007 and 11.10.2007, hence according to the management, the Inquiry conducted was legal and proper. The finding of the Enquiry Officer with respect to charges is correct in law and fact. The punishment is also not excessive.

The workman examined himself on oath and has been cross-examined. The management has produced the Inquiry Officer who has deposed about the inquiry. The inquiry papers have also been proved which shall be referred to as and when required.

On the basis of pleadings following preliminary issued was framed by my Learned Predecessor.

**1) Whether the departmental enquiry conducted against the workman is just, legal and proper?**

On the basis of evidence on record this issue was decided vide order dated 05.04.2022, the Enquiry was held just legal and proper. This order is part of this Award.

Following additional issues were framed vide order dated 05.04.2022.

**2) Whether the charges are prove from the enquiry?**

**3) Whether the punishment is disproportionate to the charge?**

**4) Relief to which the workman is entitled?**

Parties were granted opportunity to lead evidence on the Additional Issues. Management filed one document Exhibit M-2 which was admitted by the Workman.

The Workman filed his affidavit on Additional Issue, also filed documents to be referred to as and when required.

On the stage of argument learned Counsel Mr. Ashish Shrotri, appeared for the Workman and submitted his arguments for Workman. Learned Counsel Mr. Pranay Choubey submitted his arguments for management. Both the sides have filed written submissions which are part of the Record. I have gone through the Written Submissions as well the Record.

**Issue No. 2 –**

The Charges against the Workman were as follows:

**Charge No. 1 :-**

That he demanded and received money from as many as 18 Agriculturists, mentioned in the charge for getting Agricultural loans sanctioned in their favor. The amount of the illegal Money received is mentioned separately with respect to each of the Agriculturists in the charge, thus the Workman committed misconduct as mentioned in Clause 5 (J&K) of the Bipartite Settlement dated 10.04.2002.

**Charge No. 2 :-**

The Workman adopted pressure tactics for recovery of Agriculture Loan from small Agriculturists which is not permitted in Law. Thus committed misconduct as mentioned in Clause 5 (Q) of the Bipartite Settlement.

**Charge No. 3 :-**

The Workman misbehaved and used physical force as well foul words against husband of Smt. Rashmi Agrawal with respect to which a case based on charge sheet submitted by Police after investigation was pending thus committed misconduct as mentioned in the Clause 5Q and 5C of Bipartite Settlement.

**Charge No. 4 :-**

That the Workman received Rs. 6100/- from an account holder/ borrower Shri but deposited only Rs. 5460/- in his loan account and misappropriated the rest of money which is misconduct as define in Clause 5(J) of the Bipartite Settlement.

**Charge No. 5 :-**

That the Workman was required to furnish details of his assets and liabilities vide communication of the Jhabua branch of the Bank dated 16.11.2005 and reminder dated 17.01.2006 but did not furnish. This act of the Workman is gross misconduct as defined in Clause 5 (e) and Clause 5(k) of the Bipartite Settlement.

The Clause 5 and 6 of the Bipartite Settlement (relevant portion) are being reproduced as follows :-

**5. By the expression “gross misconduct” shall be meant any of the following acts and omissions on the part of an employee:**

(a) engaging in any trade or business outside the scope of his duties except with the written permission of the bank;

(b) unauthorised disclosure of information regarding the affairs of the bank or any of its customers or any other person connected with the business of the bank which is confidential or the disclosure of which is likely to be prejudicial to the interests of the bank;

(c) drunkenness or riotous or disorderly or indecent behavior on the premises of the bank; (d) willful damage or attempt to cause damage to the property of the bank or any of its customers;

**(e) willful insubordination or disobedience of any lawful and reasonable order of the management or of a superior;**

(f) habitual doing of any act which amounts to “minor misconduct” as defined below:- habitual meaning a course of action taken or persisted in, notwithstanding that at least on three previous occasions censure or warnings have been administered or an adverse remark has been entered against him;

(g) willful slowing down in performance of work;

(h) gambling or betting on the premises of the bank

(i) speculation in stocks, shares, securities or any commodity whether on his account or that of any other persons;

**(j) doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss;**

**(k) giving or taking a bribe or illegal gratification from a customer or an employee of the bank;**

(l) abetment or instigation of any of the acts or omissions above mentioned.

(m) Knowingly making a false statement in any document pertaining to or in connection with his employment in the bank.

(n) Resorting to unfair practice of any nature whatsoever in any examination conducted by the Indian Institute of Bankers or by or on behalf of the bank and where the employee is caught in the act of resorting to such unfair practice and a report to that effect has been received by the bank from the concerned authority.

(o) Resorting to unfair practice of any nature whatsoever in any examination conducted by the Indian Institute of Bankers or by or on behalf of the bank in cases not covered by the above Sub Clause (n) and where a report to that effect has been received by the bank from the concerned authority and the employee does not accept the charge.

(p) Remaining unauthorisedly absent without intimation continuously for a period exceeding 30 days:

**(q) Misbehaviour towards customers arising out of bank's business.**

(r) Contesting election for parliament / legislative assembly / legislative council / local bodies / municipal corporation / panchayat, without explicit written permission of the bank.

- (s) Conviction by a criminal Court of Law for an offence involving moral turpitude.
- (t) indulging in any act of 'sexual harassment' of any woman at her work place. Note: Sexual harassment shall include such unwelcome sexually determined behaviour (whether directly or otherwise) as
- (a) physical contact and advances;
- (b) demand or request for sexual favours;
- (c) sexually coloured remarks;
- (d) showing pornography; or
- (e) any other unwelcome physical verbal or non-verbal conduct of a sexual nature. (u) (For State Bank of India) the giving or taking or abetting the giving or taking of dowry or demanding directly or indirectly from the parents or guardians of a bride or bridegroom. as the case may be, any dowry. Explanation - For the purpose of sub-clause (u) the word 'dowry' has the same meaning as in the "Dowry Prohibition Act, 1961"

**6. An employee found guilty of gross misconduct may:**

- (a) be dismissed without notice; or
- (b) be removed from service with superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or
- (c) be compulsorily retired with superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or
- (d) be discharged from service with superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or
- (e) be brought down to lower stage in the scale of pay up to a maximum of two stages; or
- (f) have his increments stopped with or without cumulative effect; or
- (g) have his special pay withdrawn; or
- (h) be warned or censured, or have an adverse remark entered against him; or
- (i) be fined.

**Also it comes out from the Enquiry Papers** that Workman denied the charges. His case with respect to Charge No. 1 was that the Account Holders 1 to 14, 16, 17 and 18 filed affidavits denying any payment of Bribe or illegal gratification to the Workman and there was no Loan case of Agriculturists, as mentioned in Item No. 15 of Charge No. 1.

**According to the Enquiry Officer**, the charges relating to Item No. 1, 2, 16 and 18 mentioned in charge No. 1 were found not proved, and only charge related to Item No. 16 was found proved. The Charge No. 2, 3 and 4 were found not proved and Charge No. 5 was found proved.

**As mentioned above, Item No. 17** relating to Charge No. 1 was that the Workman received Rs. 3000/- as Bribe for getting Loan sanctioned to the Union Member of Amba Self Help Group. Similarly, the Charge No. 5 was that the Workman did not file his list of assets and liabilities as required by Management.

**It also comes out that the Disciplinary Authority** concurred with the finding of the Enquiry Officer and issued show cause notice before awarding the punishment.

**Though it comes out from perusal** of Enquiry Papers that the persons relating to rest of the items in Charge No. 1 submitted their affidavits in favor of the Workman, but the persons relating to Item No. 17 in the Charge No. 1 deposed against the Workman. I have gone through the statements of Witness with respect to this item of Charge No. 1. The case of the Workman was that, the members relating to the Amba Self Help Group were fight against each other. The loan account of this group was overdue hence fresh loan with respect to purchase of Buffaloes by the group could not be processed and that is why some members of this Group deposed against him.

From perusal of evidence during the Enquiry, I do not find any perversity with regard to finding of the Enquiry Officer in holding the Item No. 17 of the Charge No. 1 proved. As regards Charge No. 5, the Workman himself admitted that he could not file this statement required by Management.

Hence, in the light of above discussion, I hold the Item No. 17 of Charge No. 1 and Charge No. 5 proved against the Workman. **Issue No. 2 is answered accordingly.**

**Issue No. 3 –**

It has been submitted from the side of the Workman, by his Learned Counsel that out of many charges as mentioned above, only one charge inviting punishment has been found proved. The Charge No. 5 does not attract major punishment.

On the other hand, it has been submitted by Learned Counsel management that, in banking business absolute devotion, integrity and honesty is required from a Banker. Bank could not afford to have an employee who has lost his integrity. The charge proved attracts major punishment of dismissal; hence the punishment is not so disproportionate to the misconduct proved to shocks the conscience of this Tribunal.

**Settled Preposition of Law with** respect to punishment in Departmental proceedings, crystallized through various decisions of Hon'ble Supreme Court and High Courts is that it is within the domain of the Disciplinary Authority to impose punishment, the scope of Judicial Review is very limited and the Tribunals are not an Appellate Court, while reviewing a order of Punishment. An order of punishment could be reviewed or interfered by Tribunal only when it is so disproportionate to the charge that it shocks the conscience of the Court. The relevant decisions in this respect are being referred to as follows:

12. Hon'ble Apex Court in *B.C. Chayurvedi v. Union of India*, (1995) 6 SCC 749 while discussing about the scope of judicial review, in disciplinary matters, has observed as under:

*“The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, imposed appropriate punishment with cogent reasons in support thereof.”*

In *DG, RPF vs. Sai Babu* (2003) 4 SCC 331, Hon'ble Apex Court has observed that:

*“6..... Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of an discipline required to be maintained, and the department/establishment which the delinquent person concerned works.”*

In *United Commercial Bank vs. P.C. Kakkar* (2003) 4 SCC 364 Hon'ble Apex Court on review of a long line of cases and the principles of judicial review of administrative action under English law summarized the legal position in the following words:

*“11. The common thread running through in all these decisions is that the court should not interfere with the administrators' decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is judicial review is limited to the deficiency in decision-making process and not the decision.*

*12. To put it differently, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof.”*

In *Union of India vs. S.S. Ahluwalia* (2007) 7 SCC 257 Hon'ble Supreme Court reiterated the legal position as follows:

*“8. The scope of judicial review in the matter of imposition of penalty as a result of disciplinary proceedings is very limited. The court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved.”*

In *State of Meghalaya v. Mecken Singh N. Marak* (2008) 7 SCC 580 Hon'ble Supreme Court stated that:

*“The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review.*

13. Hon'ble Apex Court in *Administrator, Union Territory of Dadra and Nagar Haveli vs. Gulbhia M. Lad* (2010) 2 SCC (L&S) 101 has observed that

*"The legal position is fairly well settled that while exercising the power of judicial review, the High Court or a Tribunal cannot interfere with the discretion exercised by the disciplinary authority, and/or on appeal the appellate authority with regard to the imposition of punishment unless such discretion suffers from illegality or material procedural irregularity or that would shock the conscience of the court/tribunal. The exercise of discretion in imposition of punishment by the disciplinary authority or appellate authority is dependent on host of factors such as gravity of misconduct, past conduct, the nature of duties assigned to the delinquent, responsibility of the position that the delinquent holds, previous penalty, if any, and the discipline required to be maintained in the department or establishment he works. Ordinarily the court or the tribunal would not substitute its opinion on reappraisal of facts.*

14. Moreover, the Banks being financial institution; where the hard earned money of the public at large is kept, and any disorderly atmosphere in the Bank premises may lead to loss to trust of the depositors on the Banking institution; which may ultimately lead to collapse of financial system of the country and the same is not permissible at all. Hon'ble Apex Court in (2011) 1 Supreme Court Cases (L&S) 721 has observed that:

*"7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, the courts will not interfere with findings of fact recorded in departmental inquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or findings, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations."*

Now, examining the punishment order, in the light of the principles of law in this respect as detailed above, the charge proved is a major misconduct. Punishment for which is mentioned in Clause 6 of the Bipartite Settlement, dismissal from service is also one of the punishments.

**Learned Counsel for Workman** has submitted that the Workman had to be in about 28 years in the Bank and had a spotless service career, he has received various letters of appreciation consistently for his excellent performance and good conduct, he has filed and proved some these appreciation letters which are on file. Hence, only for one mistake in the whole service career, awarding of maximum punishment is not justified. Learned Counsel for Management has opposed this argument.

As mentioned above, the charge which is categorized in major misconduct proved against the Workman is that he demanded bribe from members of Self Help Group. The basis of proof of this charge is oral statements of some members of this group. This is also on record that almost the same charges are having been the subject matter of the enquiry was conducted by the Collector of the District and allegations were not substantiated. Keeping in view the nature of evidence in proof of the charges which is oral statements only of some witness with respect to whom the case of Workman was during the enquiry that they deposed against the Workman due to some malicious against him. Though this definition was not accepted of Enquiry Officer, and also keeping in mind the uncontroverted fact which is in the affidavit of the Workman and supported by some documents proved on record that he had a spotless service career of 28 years, was commended by his superiors for good work many times. The maximum punishment of dismissal from service appears shocking and warrants interference. Keeping of facts and circumstances of the case in mind the punishment of compulsory retirement of the Workman with superannuation benefits as mentioned in Clause 6 (7) of the Act for the charges proved will meets the ends of justice.

**Issue No. 3 is answered accordingly.**

**On the basis of above discussion and findings, the petition is disposed as follows.**

#### **Order**

**The punishment of dismissal of the Workman Gajanand Meratwal vide order of Management dated 24.01.2008 is modified to his compulsory retirement with superannuation benefits as mentioned in Clause 6 (c) of the Bipartite Settlement. Petition stands disposed accordingly.**

**No order as to cost.**

**DATE:- 07/02/2025**

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 मार्च, 2025

**का.आ. 452.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डीसीबी बैंक लिमिटेड के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (82/2017) प्रकाशित करती है।

[सं. एल - 12012/55/2016-आई.आर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 452.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 82/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of DCB Bank Ltd and their workmen.

[No. L-12012/55/2016 – IR (B-I)]

SALONI, Dy. Director

#### ANNEXURE

#### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

**NO. CGIT/LC/R/82/2017**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

Mr. Ankur Chourasiya,

Durga Chowk Talliya, Gali No. 3

Vidisha (MP) - 464001

Workman

Vs

The Branch Manager

DCB Bank Ltd.

C/o. Sh. Shubham Logistics Ltd.

Sagar Road, Vill.- Panjh,

Distt.-Vidisha (MP)-464001

Management

#### **(JUDGMENT)**

**(Passed on this 20<sup>th</sup> day of February-2025)**

As per letter dated 17.05.2017 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number L-12012/55/2016-IR(B-I) dt. 17.05.2017. The dispute under reference related to :-

1. *“Whether Mr. Ankur Chourasiya, who worked as ‘Relationship Manager’ with DCB Bank Ltd. Vidisha (MP) from 10/10/2013 to 23/11/2015 is a ‘workman’ under Sec. 2(s) of I.D. Act or not by virtue of his nature of duties in the bank.*
2. *If he is workman under I.D. Act, whether his termination without any prior notice w.e.f. 23/11/2015, vide DCB Bank Ltd letter dated 23/11/2015, that too without mentioning any reasons for such termination-is justified or not ?*
3. *Whether Mr. Ankur Chourasiya is entitled for reinstatement with full back wages and continuity of service or not ? If not reinstatement, to how much lump sum compensation Mr. Ankur Chourasiya is entitled for from the bank in lieu of reinstatement.*

4. *Since the bank has issued a letter dated 23/11/2015 a 'termination simpliciter' without specifying any reasons for his termination, whether Mr. Ankur Chourasiya is entitled for a proper 'Service Certificate' without any adverse remarks or not ?*

After registering the case on the basis of the reference, notices were sent to the parties and were duly served on them. They appeared and filed their respective statements of claim and defense.

**The case of workman**, as taken by him in his statement of claim, is that he was appointed with the management as Relationship Manager after undergoing recruitment process by way of offering the appointment order dated 10.09.2013 and worked till 23.11.2015 continuously when his services were surprisingly terminated by management without any reason, notice or compensation in violation of Section 25-D, 25-F, 25-G, 25-N, 25-H and Rule 76 & 77 of the Industrial Disputes Rules, which is unjust, illegal and arbitrary on the part of management. The workman has thus prayed, that holding the order of management dated 23.11.2015 terminating his services, against law, he be reinstated with back wages and benefits.

**In its written statement to the petition**, the Management has taken a case that **firstly**, the workman is not a workman as defined u/s. 2(s) of the Act, because his work was in managerial and supervisory capacity namely, meeting with dealers and sub-dealers for sourcing business and making decisions on acceptance or rejection of business proposals and achieving monthly targets, conducting field investigation/ evaluate proposal, following up credit approval from concerned authority, management and completing documentation and formalities related to pre/post disbursement, supervise manage and control of non starter and NPA cases, ensure receipt of post disbursement document, manage and control marketing Melas in concurrence with dealers and customer service by providing resolution to the customer grievances in timely basis. **Secondly**, according to management, the workman was found involved in misconduct. He was issued a show-cause notice dated 30.10.2015 by management alleging following acts of misconduct and was require to reply the notice within three days i.e. till 03.11.2015, failing which taking that he has admitted the charges, action will be taken against him. The charges were as follows :-

1. *The customer Shivraj Singh had died in 2011 while lead has been generated and loan filed had got disbursed to him in the year 2014.*
2. *The set of documents and KYC documentation has been found manipulated and fraudulent.*
3. *The customer had never married, but some female was made co-applicant of the loan mentioning her as his wife.*
4. *Physical visit to client premises and meeting with client and the co-applicant was not done.*
5. *The customer's original documents were not verified.*

Further as it is the case of management, the workman failed to afford any explanation/reply whatsoever and the management terminated his services in the light of terms and conditions mentioned in appointment offer. Thus, according to management there is no illegality in terminating the services of workman. Management has requested that the reference be answered against the workman.

**In evidence**, the workman filed his affidavit as his examination in chief. He was not cross examined by management in-spite of opportunity given. The management filed the appointment letter and termination letter of the workman, which was admitted by the workman. Management did not file any affidavit of any of its witnesses.

**I have heard argument of Learned Counsel Mr. Ashok Shrivastava for the workman.** None appeared for Management. No written argument has been filed by any of the parties. I have gone through the record.

**The first point taken by Management**, in its written statement is that the workman is not a Workman as defined under Section 2(s) of the Act and **secondly**, there is no illegality committed by Management in terminating services of workman in the light of his appointment contract.

**Learned Counsel for workman has submitted**, the **First point** is not proved by Management, that the workman is not a Workman as defined under the Act. And **Secondly**, from the evidence on record which is almost uncontroverted, it is established that action of Management is arbitrarily unjust and illegal.

**Form the perusal of the record in the light of aforesaid arguments, following issues arises for determination:**

1. *Whether the workman is workman as defined under Section 2(s) of the Act ?*
2. *Whether the action of the Management in terminating services of the workman is stigmatic and is arbitrary ?*
3. *Subject to findings on issue no.-1 & 2, whether the workman is entitled to any relief ?*

**Issue No. 1.****Section 2(S) of the Act, which defines Workman, is being reproduced as follows:**

**2(s)** “workman” means any person including an apprentice employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

Learned Counsel for workman has relied on judgment of **Hon’ble High Court of Bombay in the case of Union Carbide (India) Ltd. V.s. Ramesh Kumbla and Others reported in MANU/MH/0073/1999** and **another judgment of the same High Court in the case of Union Carbide (India) Ltd. V.s. D. Samuel and Others reported in MANU/MH/1713/1998**. In these two cases, after analyzing the judgment of various High Courts and Hon’ble Supreme Court, the Single Bench of Hon’ble Bombay High Court has summarized the principles on the basis of which it is to be decided whether the Workman is in supervisory capacity or not. These tests mentioned in **Para 34 and 35** of the Judgment are being reproduced as follows:

**Para-34.** In so far as the Apex Court is concerned, some of the tests laid down are:

- (1) Designation is not material but what is important is the nature of work.
- (2) Find out the dominant purpose of employment and not any additional duties the employee may be performing.
- (3) Can he bind the Company/employer to some kind of decisions on behalf of the Company/employer.
- (4) Has the employee power to direct or oversee the work of his subordinates.
- (5) Has the power to sanction leave or recommend it; and
- (6) Has he the power to appoint, terminate or take disciplinary action against workmen.

**Para-35.** From the judgment of this Court and the other High Courts some of the tests apart from what the Apex Court has stated are:

- (a) Whether the employee can examine the quality of work and whether such work is performed in satisfactory manner or not;
- (b) Does the employee have powers of assigning duties and distribution of work;
- (c) Can he indent material and distribute the same amongst the workmen;
- (d) Even though he has no authority to grant leave does he have power to recommend leave;
- (e) Are there persons working under him;
- (f) Has he the power to supervise the work of men and not merely machines;
- (g) Does he mark the attendance of other employees;
- (h) Does he write the confidential reports of his subordinates.

**Now analyzing the evidence in the case in hand,** on the basis of tests laid down in the aforesaid Judgment it comes out that the role and duties of the Applicant/Workman have not been defined in his letter of Appointment. There is no service regulation of any type or Certified Standing Orders filed by management, which details about the liabilities of a Relationship Manager on which the applicant workman was employed. Management has listed as many as eight liabilities in their written statement of defense in para 9, but none has turned up for management to prove it. It has been submitted on behalf of the Workman by his Learned Counsel that his responsibilities were not to supervise



any employee. He had to looking to the potential borrowers and process their loan applications as well recovery of loan disbursed. As has been stated earlier, the role and responsibility of the workman has not been defined in his Appointment Letter or by any Office Order or Circular of the Management. Hence, in absence of any other evidence for corroborating the case of Management that the Workman used to work in a supervisory capacity as mentioned by Management. **The case of the Management that Workman is not a workman under Section 2(S) of the act is held not proved.**

**Hence, on the basis of above action the workman is held to be a workman as defined under Section 2(S) of the Act.**

**Issue No. 1 is answered accordingly.**

## **Issue No. 2**

**According to the management**, the workman had committed some acts of misconduct, detailed as above. He was issued a show-cause notice and was required to respond to the notice within three days. He failed to respond and taking that he had admitted the charges, his services were terminated by management under Clause-12 of the Appointment Offer, which he had accepted.

The Clause-12 of the Appointment Offer (the relevant portion) is being reproduced as follows :-

***“12(d). However, in event of misconduct on your part or breach of any provisions of code of conduct, the Bank shall be entitled at its sole option to terminate your appointment with immediate effect by a notice in writing.***

***For the purposes of this clause, misconduct shall include but not be limited to the following :-***

- i. Any act involving moral turpitude.***
- ii. Commission of a fraud.***
- iii. Embezzlement.***
- iv. Willful negligence and /or***
- v. Any willful or intentional act having the effect or likely to have the effect of injuring the reputation, business or business relationship of the Bank.***

***Bank shall also be entitled to take any further action as appropriate as permitted by law. ”***

***In the Clause – 12(a) of the Appointment Offer it is provided that the service contract can be terminated by either side by giving not less than 30 days notice in writing at any time or by payment of 30 days basic salary and consolidated allowance in lieu of such notice. It is further provided that post confirmation, the services of the workman may be terminated by management at any time without cause by giving not less than 30 days notice in writing and on expiry of such period, the workman shall cease to be in employment of Bank, provided, however, that the Bank shall be entitled to terminate the employment of the workman at any time by paying 30 days basic salary and consolidated allowance in lieu of such notice at the sole discretion of the Bank.***

The workman has specifically stated in his allegations as well statement on oath in form of affidavit as his examination in chief that he replied the show-cause notice within time given by management in the show-cause notice and he denied the charges. This show-cause notice (photocopy) is on record, which corroborates the case of workman on this point. His affidavit is uncontroverted bank has not cross examined, the workman on his affidavit. Hence, it is held that the contention of the workman that he replied the show-cause notice in which he denied the allegations are proved. In such a situation where there is an allegation which is denied, a fact finding inquiry becomes imperative before termination of services of a workman on the basis of allegations.

The termination order, photocopy filed by management does not mention about any 30 days notice or 30 days salary as per Clause-12(a) of the Appointment Offer mentioned as above. Hence, it will be taken that it has been issued by management under Clause-12(d) of the Appointment Offer, which empowers the management to terminate services of the workman without notice in case of misconduct on the part of the workman or breach of any provisions of Code of Conduct. As has been held earlier that when the allegations were denied by the workman it was imperative on management to conduct a fact finding inquiry atleast before termination of his services under Clause-12(d) of the Appointment Offer because in such a situation the termination becomes stigmatic.

Hence, on the basis of above discussion and findings, the action of management in termination of services of workman using Clause-12(d) of the Appointment Offer is held unjustified and arbitrary.

**Issue no.-2 is answered accordingly.**

**Issue No.-3 :-**

In the light of findings recorded on issue no.-1 & 2, the question arises as to what relief the workman is entitled to.

It is not the case of workman that he is not gainfully employed after termination of his services. Since, the termination of services of the workman have been held against law, in such a situation, reinstatement of the workman with continuity of service and service benefits except back wages will meet the interest of justice.

Issue No. 3 is answered accordingly. .

In the light of above discussion and findings, the reference is answered as follows :-

**AWARD**

**Mr. Ankur Chourasiya, who worked as 'Relationship Manager' with DCB Bank Ltd. Vidisha (MP) from 10/10/2013 to 23/11/2015 is a 'workman' under Sec. 2(s) of I.D. Act by virtue of his nature of duties in the bank. Termination of Ankur Chourasiya without any prior notice w.e.f. 23/11/2015, vide DCB Bank Ltd letter dated 23/11/2015, that too without mentioning any reasons for such termination-is not justified.Mr. Ankur Chourasiya is entitled for reinstatement with continuity of service and service benefits except back wages.**

**DATE:-20/02/2025**

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 मार्च, 2025

**का.आ. 453.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई डी बी आई बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (105/2015) प्रकाशित करती है।

[सं. एल - 12011/62/2015-आई.आर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 105/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of IDBI Bank and their workmen.**

[No. L-12011/62/2015 – IR (B-I)]

SALONI, Dy. Director

**ANNEXURE**

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR**

**NO. CGIT/LC/R/105/2015**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

**Shri Anubhav Kumar Arya,**

**82, Kanchan Nagar, Khajuri Kalan,**

**Piplani, Bhopal (MP)**

**Bhopal (MP)- 462021**

**Workman**

**Vs**

**The Chairman & Managing Director,**

**IDBI Bank, IDBI Tower, WTC Complex,**

**Cuffe Parade,**

**Mumbai – 400 005**

**Management**

**(JUDGMENT)****(Passed on this 13<sup>th</sup> day of February - 2025)**

As per letter dated **13.10.2015** by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-12011/62/2015-IR(B-I) dt. 13/10/2015. The dispute under reference relates to:

1. *"Whether Sh. Anubhav Kumar Arya is a workman as per definition under Section 2 (s) of the I.D. Act?"*
2. *If so, whether the action of the Management of IDBI Bank Ltd. Bhopal in terminating the services of Shri Anubhav Kumar Arya w.e.f. 28.09.2014 & also not paying his salary from May, 2014 to August 2014 is justified? If not, what relief the workman is entitled to?"*

**According to the Workman**, he was appointed on Contract Basis as Customer Service Executive vide order of Management dated 20.04.2013 for one year. His contract ended in April, 2014. He was allowed to work with the Management without any break in service and tenure was extended up to September, 2014. It was further extended till March, 2015, thus he worked for more than 2 years continuously. He was terminated from services without any notice or compensation which is bad in law. He has requested that he be reinstated with back wages and benefits holding the termination of his services against law.

**Case of Management is that**, the Workman was engaged on contract basis for fixed term which was extended till 2015, and was not extended further as it was found that the Workman was not serious in discharge of his duty he used to remain absent from duty frequently.

**No evidence was filed by any of the parties.** The Workman did not appear after filing of Statement of claim.

**At the stage of argument also the Workman did not appear**, hence, argument of representative of Management were heard. No written argument was filed by any of the parties.

**The initial burden to prove his case** is on Workman. The admitted facts are that the Workman was appointed on Contract basis for a fixed term tenure which was extended one or two times and was not further extended thereafter. Section 2(o) of the Industrial Disputes Act, 1947 is referred as follows:

*"Since the tenure of Workman was fixed term, hence now extension of tenure beyond expiry cannot be held to be retrenchment."*

**Hence, in the light of above discussion, the reference deserves to be answered against the Workman and is answered accordingly.**

**No order as to cost.**

**DATE:- 13/02/2025**

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 मार्च, 2025

**का.आ. 454.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (32/2023) प्रकाशित करती है।

[सं. एल - 41011/15/2023-आई.आर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 454.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.32/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Pashim Railway and their workmen.

[No. L-41011/15/2023 – IR (B-I)]

SALONI, Dy. Director

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, JABALPURNO. CGIT/LC/R/32/2023Present: P.K.SrivastavaH.J.S..( Retd)

The Secretary,  
Shri Shivlehari Sharma,  
Pashim Railway Karmachari Parishad,  
32/4, TIT Building, Indra Nagar,  
Ratlam (M.P.) - 457001

Workman

Versus

The Divisional Railway Manager,  
Ratlam (M.P.) – 457001

Management

## AWARD

(Passed on this 14<sup>th</sup> day of February-2025.)

As per letter dated 22/03/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-41011/15/2023 (IR(B-I)) dt. 22/03/2023. The dispute under reference related to :-

“ क्या पश्चिम रेलवे कर्मचारी परिषद रतलाम पत्र दिनांक 14/06/2017 द्वारा श्री सुरेश कुमार मीना श्रेय ग्रेड-1 के ओवरटाइम भुगतान के लिए पश्चिम रेलवे रतलाम के विरुद्ध मांग उचित, कानूनी और न्यायसंगत हैं? यदि हां, तो और क्या राहत, श्री सुरेश कुमार मीना जिसके हकदार हैं और इस संबंध में और कौन से निर्देश, यदि कोई हों, आवश्यक हैं? ”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

## AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

DATE: 14/02/2025

नई दिल्ली, 17 मार्च, 2025

का.आ. 455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (31/2023) प्रकाशित करती है।

[सं. एल - 41011/16/2023-आई.आर.(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 31/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Pashim Railway and their workmen.**

[No. L-41011/16/2023 – IR (B-I)]

SALONI, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, JABALPUR**

**NO. CGIT/LC/R/31/2023****Present: P.K.Srivastava****H.J.S.( Retd)****The Secretary,****Shri Shivlehari Sharma,****Pashim Railway Karmachari Parishad,****32/4, TIT Building, Indra Nagar,****Ratlam (M.P.) - 457001****Workman****Versus****The Divisional Railway Manager,****Ratlam (M.P.) – 457001****Management****AWARD****(Passed on this 14<sup>th</sup> day of February-2025.)**

As per letter dated 22/03/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-41011/16/2023 (IR(B-I)) dt. 22/03/2023. The dispute under reference related to :-

**“ क्या पश्चिम रेलवे कर्मचारी परिषद रतलाम के पत्र दिनांक 20/07/2017 द्वारा श्रमिक संध (अनुलग्नक-ए) की मांगों को पश्चिम रेलवे प्रबंधन के द्वारा पूरा करना की माँग उचित, कानूनी और न्यायसंगत है? यदि हां, तो संबंधित आवेदक/संघ किस राहत के हकदार हैं और मामले में अन्य कौन से निर्देश, यदि कोई हों, आवश्यक हैं? ”**

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

**AWARD**

**In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.**

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

DATE: 14/02/2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 456.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (30/2023) प्रकाशित करती है।

[सं. एल - 41011/17/2023-आई.आर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 456.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 30/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Pashim Railway and their workmen.

[No. L- 41011/17/2023 – IR (B-I)]

SALONI, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR**

**NO. CGIT/LC/R/30/2023**

**Present: P.K.Srivastava**

**H.J.S..( Retd)**

**The Secretary,**

**Shri Shivlehari Sharma,**

**Pashim Railway Karmachari Parishad,**

**32/4, TIT Building, Indra Nagar,**

**Ratlam (M.P.) - 457001**

**Workman**

**Versus**

**The Divisional Railway Manager,**

**Ratlam (M.P.) – 457001**

**Management**

**AWARD**

**(Passed on this 14<sup>th</sup> day of February-2025.)**

As per letter dated 22/03/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number **L-41011/17/2023 (IR(B-I))** dt. 22/03/2023. The dispute under reference related to :-

**“ रेल प्रबंधन, दुवारा श्री सुरेश कुमार के साथ अनुचित श्रम व्यवहार किया जाना उचित, कानूनी और न्यायसंगत है? यदि नहीं, तो आवेदक किस अनुतोष को पाने का हकदार है और इस संबंध में और कौन से निर्देश, यदि कोई हों, आवश्यक? ”**

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

**AWARD**

**In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.**

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

DATE: 14/02/2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 457.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (29/2023) प्रकाशित करती है।

[सं. एल - 41011/18/2023- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 17th March, 2025

**S.O. 457.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.29/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of *Pashim Railway* and their workmen.

[No. L-41011/18/2023- IR(B-I)]

SALONI, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR**

**NO. CGIT/LC/R/29/2023**

**Present: P.K.Srivastava**

**H.J.S..( Retd)**

**The Secretary,  
Shri Shivlehari Sharma,  
Pashim Railway Karmachari Parishad,  
32/4, TIT Building, Indra Nagar,  
Ratlam (M.P.) - 457001**

**Workman**

**Versus**

**The Divisional Railway Manager,  
Ratlam (M.P.) - 457001**

**Management**

**AWARD****(Passed on this 14<sup>th</sup> day of February-2025.)**

As per letter dated 24/03/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-41011/18/2023 (IR(B-I)) dt. 24/03/2023. The dispute under reference related to :-

**“क्या पश्चिम रेलवे कर्मचारी परिषद रतलाम पत्र द्वारा श्री राधे श्याम चोटिया को पात्रता होने के बाद भी पदोन्नत न किया जाना के लिए पश्चिम रेलवे रतलाम के विरुद्ध मांग उचित, कानूनी और न्यायसंगत हैं? यदि हां, तो और क्या राहत, श्री राधे श्याम चोटिया जिसके हकदार हैं और इस संबंध में और कौन से निर्देश, यदि कोई हों, आवश्यक हैं? ”**

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

**AWARD**

**In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.**

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K.SRIVASTAVA, Presiding Officer

DATE: 14/02/2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 458.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीपीएसएसआर सुविधा टेलीकॉम इंडिया, जनकपुरी, नई दिल्ली, के प्रबंधन के संबंधित नियोजकों और श्री राजू राजौरिया, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 67/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल – 42025-07-2025-54-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 458.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 67/2019) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The VPSSR Facility Telecom India, Janak Puri, New Delhi, and, Shri Raju Rajouria, Worker**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07-2025-54-IR (DU)]

DILIP KUMAR, Under Secy.



## ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II,  
NEW DELHI**I.D. NO. 67/2019**

**Sh. Raju Rajouria, S/o Sh. Ram Kunwar,**  
R/o House No. 08/85, Extra8, Trilok Puri,  
Delhi-110091.

## VERSUS

The VPSSR Facility Telecom India,  
124, 1<sup>st</sup> Floor, Jena Tower-1, District Centre,  
Janak Puri, New Delhi-110058.

*Appearance*

*For claimant: Sh. Niraj Kumar and Ms. Anjali, Ld. ARs along with the claimant.*

*For respondents: Already been proceeded ex-parte on 16.08.2019.*

## AWARD

This is an application U/s 2A of the Industrial Disputes Act (here in after is referred as an Act) filed by the claimant.

Counsel of the workman submits that workman wants to withdraw the present claim. His statement is recorded separately.

In view of the above submission made by the claimant, claim stands dismissed as withdrawn. Award is accordingly passed. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 29.01.2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 459.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयुक्त, उत्तरी दिल्ली नगर निगम, जे.एल. नेहरू मार्ग, नई दिल्ली; दिल्ली एम.एस.डब्लू. सॉल्यूशन लिमिटेड, एम.सी.डी. वर्कशॉप, पी.एस. मॉडल टाउन के पास, फेज-01, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री राम राज, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 221/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल – 42025-07-2025-55-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 459.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 221/2022) of the **Central Government Industrial Tribunal cum Labour Court– II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Commissioner, North Delhi Municipal Corporation, J.L. Nehru Marg, New Delhi; Delhi M.S.W. Solution Ltd., MCD Workshop, Near P.S. Model Town, Phase-01, New Delhi, and, Shri Ram Raj, Worker**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07-2025-55-IR (DU)]

DILIP KUMAR, Under Secy.

## ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II,  
NEW DELHI**I.D. NO. 221/2022**

**Sh. Ram Raj, S/o Late Sh. Mangru Prasad,**  
R/o- House NO. N-30, C-390, H-04, Jhuggi,  
Jahangir Pur, Azad Pur, Delhi-110033.

VERSUS

- The Commissioner,**  
North Delhi Municipal Corporation,  
4<sup>th</sup> Floor, Dr. S.P. Mukherjee Civic Centre,  
J.L. Nehru Marg, New Delhi-110002.
- Delhi M.S.W. Solution Ltd.,**  
MCD Workshop, Near P.S. Model Town,  
Phase-01, New Delhi-110009.

## AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in his claim statement that he was working with the Management No.-2 under the supervision of Management No.-1 as the Management No.-2 is the contractor and Management No.-2 works for the Management No.-1. He was working with the management no.-2 at the post of **Machine Helper** since 15.09.2018 and his last drawn salary was Rs. 8,000/- p.m. He had been working sincerely with the managements and no point of time during the service period; he had never given any chance of complaint in any manner to the managements. Management No. 2 was not providing the legal facilities as prescribed by the Delhi Govt. However, the management no. 2 was deducting the share from the salary of the workman in the name of ESI & PF but the managements have not provided ESI facilities and other facilities to the workman. When the workman demanded the same, managements became annoyed and in this process, the services of the workman were illegally terminated by the management no. 2 on 16.11.2019 without any notice, charge sheet and holding the domestic enquiry against the workman. Workman through his union sent a demand notice dated 28.11.2019 to all the managements by speed post but managements had not replied the demand notice despite receipt of the same. On 10.12.2019, he has gone to the conciliation officer, but, no result was yielded. The conciliation officer had issued a certificate of proceedings dated 11.10.2021 to the workman. Hence, he has filed the present claim.

Management-1 and Management-2 were proceeded ex-parte on 16.03.2023. On 29.04.2024, the ex-parte order against management no. 2 was set aside at his request with the cost of Rs. 1000/-. He had filed the WS denying the averment made in the claim of the claimant. He submitted that claim is not maintainable and is liable to be dismissed.

Now, the matter is listed for filing of rejoinder against M-2 but, neither the claimant nor his AR is appearing since long. Notice was issued to the workman but, still he has not appeared.

In these circumstances, when the workman is not interested in pursuing his claim, this tribunal has no option except to pass the no dispute award. Hence, no dispute award is passed. Award is passed accordingly. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 07.01.2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 460.—**औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक-सीईओ/परियोजना प्रबंधक, दिल्ली मेट्रो रेल कॉर्पोरेशन लिमिटेड, बाराखंभा रोड, नई दिल्ली; प्रबंध निदेशक-सीईओ/परियोजना प्रबंधक, दिल्ली मेट्रो रेल कॉर्पोरेशन लिमिटेड, बाराखंभा रोड, नई दिल्ली, के प्रबंधन के संबंध में नियोजकों और श्री लाल सिंह, कार्यकर्ता, द्वारा -अखिल भारतीय जनरल मजदूर ट्रेड यूनियन, गिरी नगर, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 257/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल-42025-07-2025-56-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 460.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 257/2021) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director-CEO/Project Manager, Delhi Metro Rail Corporation Ltd., Barakhamba Road, New Delhi ; KSJ Dynamic Security Pvt. Ltd., Kapashera, New Delhi**, and, **Shri Lal Singh, Worker, Through-All India General Mazdoor Trade Union, Giri Nagar, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07-2025-56-IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI

##### I.D. NO. 257/2021

**Sh. Lal Singh, S/o Sh. O.P Singh,**

R/o RZ-A-4/204, Gali No.-04, Durga Park,

Palam Gaon, Delhi-110027.

**Through- All India General Mazdoor Trade Union,**

170, Bal Mukund Khand, Giri Nagar, Kalkaji,

New Delhi-110019.

#### VERSUS

**1. The Managing Director-CEO/Project Manager,**

**Delhi Metro Rail Corporation Ltd.**

Metro Bhawan, Fire Bridge Lane, Barakhamba Road,

New Delhi-110001.

**2. KSJ Dynamic Security Pvt. Ltd.,**

Plot No. 273, 2<sup>nd</sup> Floor, Near SBI, Old Delhi Gurgaon Road,

Kapashera Extension, Kapashera, New Delhi-110049.

#### *Appearance*

*For claimant: None*

*For respondents: Sh. Nitesh Sharma, Ld. AR for M-1.*

*Smt. Saumitra Singhal, Proxy for M-2.*

#### AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in his claim statement that he was working with the management-1 through management-2 (contractor) at the post of **House Keeper** since March, 2018 and his last drawn salary was Rs. 15,500/- p.m. He had been working sincerely with the managements and no point of time during the service period; he had never given any chance of complaint in any manner to the managements. Managements were not providing the legal facilities i.e. Salary Slip, Attendance card and Overtime card etc. to him and have not given the bonus and holiday money to the year 2019-20. Managements were not paying salary to him as per the notification issued by the Delhi Government. Managements have paid less than the minimum salary to him from July 2020 to March 2021, thereafter, workman has complained about this to the Assistant Labour Commissioner (C). Management-1 and Management-2 together used to forcibly take back Rs. 4700/- in some months and Rs. 5200/- in some months after the salary payment from him. When he complained about the same before the Assistant Labour Commissioner (C), due to which he was illegally terminated by the managements without giving him a notice charge sheet or without paying anything which is a violation of the provisions of Section 25F of the ID Act. Workman had sent a demand letter on 07.06.2021 to the management through speed post but management had not replied the same despite receipt of the same. He had gone to the conciliation officer, but, it was resulted into failure. Hence, he filed the present claim.

Management-1 & 2 have appeared and filed their WS respectively. They have denied the averment made in claimant's claim. Management-1 in his WS submitted that there is no employer-employee relationship between the answering management and the claimant. He submitted that claim is not maintainable and is liable to be dismissed. Management-2 in his WS submitted that the claimant has absented himself from 15.04.2021 and he has not come forward on his duty on his own. He was asked to attend his duty by sending SMS, registered letters but he has not come forward on his duty. He also submitted that claimant was never terminated by him from his services, but he has abandoned his service on his own. He submitted that claim of the claimant is not maintainable and deserves to be dismissed.

Rejoinder has been filed by the claimant against management-2 denying the averment made in the WS of management-2.

After completion of the pleadings, following issues have been framed on 14.03.2023 i.e.-

1. Whether the proceeding is maintainable?
2. Whether there exists employer and employee relationship between the claimant and the management no. 1?
3. Whether the service of the workman was illegally terminated by the management no. 2?
4. To what other relief the parties entitled to and from which date?

Now, the matter is listed for workman evidence. Workman is not appearing since long to substantiate his claim, inspite of providing a number of opportunities

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer.

Date: 07.01.2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 461.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य पोस्ट मास्टर जनरल (सीपीएमजी), दिल्ली सर्कल, मेघदूत भवन, नई दिल्ली; श्रीमती गरिमा अरोड़ा, निदेशक, जीए डिजिटल वेब वर्ड प्राइवेट लिमिटेड, नंबर 01, हरगोविंद एन्क्लेव, विकास मार्ग एक्सटेंशन, के प्रबंधन के संबंध में नियोजकों और श्री अरविंद कुमार एवं 129 अन्य, कामगार, द्वारा-अखिल भारतीय आम मजदूर ट्रेड यूनियन, गिरि नगर, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 149/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल – 42025-07-2025-58-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 461.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 149/2021) of the **Central Government Industrial Tribunal cum Labour Court– II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chief Post Master General (CPMG), Delhi Circle, Meghdoot Bhawan, New Delhi ; Smt. Garima Arora, The Director, G.A. Digital Web Word Pvt. Ltd., No. 01, Hargovind Enclave, Vikas Marg Extn, and, Shri Arvind Kumar & 129 Ors., Worker, Through-All India General Mazdoor Trade Union, Giri Nagar, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07-2025-58-IR (DU)]

DILIP KUMAR, Under Secy.

## ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II, NEW DELHI  
ID No. 149/2021**Sh. Arvind Kumar & 129 Ors. vs. Chief Post Master General and Anr.**

**Sh. Arvind Kumar & 129 Ors.,**  
**Through-All India General Mazdoor Trade Union,**  
 170, Bal Mukund Khand, Giri Nagar, Kalkaji,  
 New Delhi-110019. ...Applicant/Claimant

Versus

1. **The Chief Post Master General (CPMG),**  
 Delhi Circle, Meghdoot Bhawan, New Delhi-110001.
2. **Smt. Garima Arora, Director,**  
 G.A. Digital Web Word Pvt. Ltd.,  
 No. 01, Hargovind Enclave, Vikas Marg Extn.,

...Managements/respondents

**Counsels:**

For Applicant/ Claimant:  
*None for the claimant.*

For Management/ Respondent:  
*Sh. O.P. Gupta, Ld. AR for the chief post master general.*  
*None for G.A. Digital Web Word pvt. Ltd.*

**Award**  
**14.01.2025**

Sh. D.K. Himanshu, Under Secretary, Ministry of Labour and Employment, Government of India had sent a reference to this tribunal for adjudication in the following words:

***“Whether the demand of bonus for the year 2015-16 by Sh. Arvind Kumar S/o Sh. Kishan Lal and 129 others (Annexure-A) represented through All India General Mazdoor Trade Union (Regd.) vide letter dated 27.11.2019 against the management of India Post and M/s G.A. Digital Web Word Pvt. Ltd. is legal, valid and justified? If yes, what reliefs/directions are necessary in this regard?”***

2. After receiving the reference, this tribunal had sent notice to the claimants and both managements. The claimants appeared and filed their claim statement. The claimants stated in their claim statement that 130 employees were denied their bonus by the managements for the year 2015-2016 under the Payment of Bonus Act, 1965. They raised four main issues which are as follows:

I. Non-Payment of Bonus: Even though the workers demanded several times, the managers have not paid the statutory bonus. Only ₹500 were paid to the workers instead of the minimum statutory amount based on wages.

II. Violation of Labor Laws: The contractor, *M/s GA Digital Web World Pvt. Ltd.*, and the Chief Manager of the Indian Postal Department violated the Contract Labour Regulation and Abolition Act, 1970, by not registering or obtaining the necessary licenses.

III. Non-Compliance with Worker Benefits: Employees were not given equal pay for equal work, annual leave, or weekly holidays as per labor laws.

IV. Non-Cooperation in Proceedings: The managers were not very keen to have the issue settled during the hearings before the Assistant Labour Commissioner (Central), who found their replies unsatisfactory and sent the matter to this tribunal for adjudication. Lastly the claimants prayed that the managements be ordered to pay the bonus along with documents such as balance sheets and bonus registers.

3. In rebuttal, management-1 appeared and filed its written statement. It denied all the allegations of the claimants except those which have been specifically admitted or on record. It raised several key points before this tribunal, *inter-alia* the claim is legally void, has no cause of action, and is filed against wrong parties; the claimants were not employed by the respondents but by a contractor *M/s G.A. Digital Web World Pvt. Ltd.* under a valid

outsourcing agreement. The contractor (management-2) is responsible for compliance with labor laws, including wages, EPF/ESI, and bonuses, there is no employer-employee relationship between the claimant and the respondents. On merit, management-1 stated that it had no control over the claimants, they used to be supervised by the contractor; all payments were made to the contractor, who accepted the terms and conditions, including statutory compliance; the claimant cannot claim regularization or benefits directly from the respondents as per the contract terms. Lastly, management-1 prayed to dismiss the claim as it has no liability in the matter.

4. The respondent no.2 in its written statement stated that it is a private limited company incorporated under the **Companies Act of 1956**, which deals with manpower supply services. It denied the allegations of the workmen in their statement of claim. Management-2 further stated that it complies with all relevant labor laws such as the Minimum Wages Act, Contract Labour Act, EPF, ESI, Employee Compensation Act, and Bonus provisions; Bonuses and all the statutory facilities were provided as per Minimum Wages Act to all the employees. It further denied all allegations against it by saying that the labor laws and all statutory requirements have been followed. Lastly, management-2 also prayed for dismissal of the present claim.

5. Subsequently, the claimants were directed to file the documents regarding payment of bonus in the previous years. They were also directed to file the date of their respective appointments. However, despite being provided with several opportunities, they have not appeared to file the same.

In light of the fact that the claimants have not been appearing to pursue their claim, their claim has resulted in No Dispute Award. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated 14.01.2025

नई दिल्ली, 17 मार्च, 2025

का.आ. 462.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चांसलर, जवाहरलाल नेहरू विश्वविद्यालय, (केन्द्रीय पुस्तकालय शाखा), न्यू महरौली रोड, नई दिल्ली; मैक्स मेंटेनेंस लिमिटेड, न्यू कोंडली मयूर विहार, चरण-III, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री कमल कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 124/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल - 42025-07-2025-59-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 462.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 124/2022) of the **Central Government Industrial Tribunal cum Labour Court- II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chancellor, Jawaharlal Nehru University, (Central Library Branch), New Mehrauli Road, New Delhi ; Max Maintenance Ltd., New Kondli Mayur Vihar, Phase-III, New Delhi, and, Shri Kamal Kumar, Worker,** which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07-2025-59-IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI

#### I.D. NO. 124/2022

**Sh. Kamal Kumar, S/o Sh. Malkhan Singh,**  
R/o- D-216, Kusumpur Pahadi, Vasant Vihar,  
New Delhi-110057.

## VERSUS

1. The Chancellor,

**Jawaharlal Nehru University,**

**(Central Library Branch),**

New Mehrauli Road, New Delhi-110067.

2. **Max Maintenance Ltd.,**

C-05/99-100, New Kondli Mayur Vihar,

Phase-III, New Delhi-110096.

## AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in his claim statement that he was initially employed by M/s. Vayudoot Security Services Pvt. Ltd. w.e.f. 17.01.2015 as Safai Karamchari and he was placed at the center for Historical Studies, however the proprietor of M/s Vayudoot Security Services Pvt. Ltd. manipulated the service records of the workman in such a manner which appears that he had resigned from erstwhile employer and joined the management and joined the management no. 2 w.e.f. 01.08.2016, though no letter of management was ever issued to the workman by the management no. 2. The last drawn wages of the workman were Rs. 10,400/-. He had worked from 17.01.2015 to 08.10.2021 continuously, flawlessly with the entire satisfaction of his superior and no adverse remarks ever reported against him. Management denied the statutory benefits i.e. Letter of appointment, Minimum Wages, Wages Slips, Attendance Card, Leave Book etc. and when the workman used to raise demands for having extended the statutory benefits to him, but all the efforts gone in vain. The proprietor under the management no. 2 withheld the earned wages of the workman along with other co-workers from October 2020 to December 2020 without any cause of action and when all the workmen in a consorted manner approached the higher authorities under the management no. 1 for the release of earned wages. Workman had also made a written complaint against proprietor for not releasing wages. Due to pendency of written complaint before the higher authorities, the proprietor of the management no. 2 got irked upon the workman and terminated the services the workman on 08.10.2021 without any cause of action or notice. The termination without comply the provisions of Section 25F of the Industrial Dispute Act amounts to wrongful termination which is void ab-initio. He submitted a demand notice on 10.08.2021 to the higher authorities under the M-1, but they did not consider the demand notice. He had filed a complaint against both the managements before Assistant Labour Commissioner (C), Jeevan Deep Building, New Delhi, but due to indifferent part of the management, no settlement could be arrived at between the parties. Hence, he filed the present claim with the prayer that he be reinstated in services along with full back wages.

M-1 had filed the written statement. He denied the averment made in the claim statement. He also submitted that there is no employer employee relationship between the workman and the Answering Management No. 1, and on the contrary the workman has admitted that he was the employee of Management no. 2, hence, the present claim is liable to be dismissed qua the management No. 1. Management No. 2 was proceeded ex-parte on 20.02.2023.

After completion of the pleadings, following issues have been framed on 20.11.2023 i.e.

1. Whether there is employee and employer relationship between the workman and management.
2. Whether the termination of the workman is legal and justified.
3. Relief if any.

Now, the matter is listed for workman evidence. Workman is not appearing since long to substantiate his claim, inspite of providing a number of opportunities

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer.

Date: 28.01.2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 463.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उप. निदेशक (प्रशासन) डीएवीपी, जीए अनुभाग, सूचना भवन, सीजीओ कॉम्प्लेक्स, लोधी रोड, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री वीरेंद्र सिंह पंवार, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 17/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल - 42025-07-2025-60-आई.आर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 463.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2019) of the **Central Government Industrial Tribunal cum Labour Court- II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Dy. Director (Admin) DAVP, GA Section, Soochna Bhawan, CGO Complex, Lodhi Road, New Delhi,** and, **Shri Virender Singh Panwar, Worker**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07/2025 -60 IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI

**I.D. NO. 17/2019**

**Sh. Virender Singh Panwar,**

R/o A-342/5A, Gali No. 07, South Ganesh Nagar,  
Delhi-110092.

VERSUS

**Dy. Director (Admin) DAVP,**

GA Section, Soochna Bhawan, CGO Complex,  
Lodhi Road, New Delhi-110003.

*Appearance*

*For claimant: None*

*For respondent: Sh. Sahib Gurdeep Singh, Ld. AR*

#### AWARD

The appropriate Government has sent the reference referred dated 16.02.2018 to this tribunal for adjudication in the following words:

***“Whether the workman Sh. Virender Singh Panwar is entitled to pay and other benefits at par with his regular counterparts for the period w.e.f 09.08.1984 to 09.10.1992 along with all the consequential benefits and if so to what relief is he entitled and what directions are necessary in this regard?”***

After receiving the said reference, notice was issued to both the parties. Both the parties have appeared. Claimant had stated in his claim statement that he was employed with the management since 09.08.1984 as on daily wage Helper (Photo Mechanic Operator) on regular post. He had worked for eight years continuously. His name was registered in the employment exchange, he was appointed by DADV (Admn.) for this job/work through employment exchange. He was fully entitled for regularization. Rather than being regularized, his services were illegally terminated by the management on 09.10.1992 without assigning any reason or serving any prior notice.

Respondent has filed the WS. He denied the averment made in the claim statement. He submits that claim petition is devoid of merit and deserves to be dismissed.



After completion of the pleadings, following issues has been framed vide order dated 09.12.2019 i.e.:-

1. Whether the proceeding is maintainable.
2. Whether the claim petition filed after 25 years of the alleged cause of action is barred by limitation.
3. Whether the workman is entitled to the pay and other benefits at par with his regular counterpart for the period from 09.08.1984 to 09.10.1992.
4. Whether the workman is entitled to the consequential benefits.

Now, the matter is listed for workman evidence. Thereafter, nobody has been appearing on behalf of the claimant to substantiate his claim inspite of providing a number of opportunities.

In these circumstances when the workman has not led any evidence to substantiate his claim, his claim is resulted into dismissal. Claim of the claimant stands dismissed. Award is passed accordingly. A Copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer.

Date: 07.01.2025

नई दिल्ली, 17 मार्च, 2025

का.आ. 464.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयुक्त, उत्तरी दिल्ली नगर निगम, जे.एल. नेहरू मार्क, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती सुदेश, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 295/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल - 42025-07-2025-61-आई.आर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 464.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 295/2022) of the **Central Government Industrial Tribunal cum Labour Court- II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Commissioner, North Delhi Municipal Corporation, 4<sup>th</sup> Floor, J.L. Nehru Mark, New Delhi**, and, **Smt Sudesh, Worker**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07/2025 –61 IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI

**I.D. NO. 295/2022**

**Smt. Sudesh, W/o Late Sh. Surender,**

Through- The General Secretary, Municipal Employees Union,  
Aggarwal Bhawan, G.T. Road, Tis Hazari, Delhi-110054.

VERSUS

The Commissioner,

**North Delhi Municipal Corporation,**

4<sup>th</sup> Floor, Dr. S.P. Mukherjee Civic Centre,  
J.L. Nehru Mark, New Delhi-110002.

**AWARD**

The appropriate Government has sent the reference referred dated 10.11.2022 to this tribunal for adjudication in the following words:

*“Whether the demands of Smt. Sudesh W/o Late Sh. Rajender through Municipal Employees Union, Delhi vide letter dated 14.05.2022 to the management of North Delhi Municipal Corporation, New Delhi for giving appointment on compassionate ground to Smt. Sudesh on regular basis (instead of daily wager) in proper pay scale and allowances with retrospective effect from the initial date of her joining i.e. 03.05.2016, treating her as regular employee from the initial date of her joining i.e. 03.05.2016 along with all consequential benefits, and payment to her the entire difference of wages on the principle of “Equal Pay for Equal Work” alongwith all consequential benefits since initial joining till her actual regularization, are proper, legal and justified? If yes, to what reliefs are the disputant entitled and what direction(s), if any, is necessary in the matter?”*

After receiving the said reference, notice was issued to both the parties. Both the parties have appeared. Claimant had stated in the claim statement that her husband (deceased workman) Sh. Rajender joined into the employment of the management as Safai Karamchhari. Initially, he was taken in job as a daily wager and muster roll employee and was paid wages as fixed and revised from time to time under the Minimum Wages Act. Subsequently he was regularized w.e.f. 01.04.1990 and as such, he was discharging his services as a regular Safai Karamchhari. On 07.09.2014, the workman Sh. Rajender expired leaving behind his family in great distress and harness.

The wife of the workman Smt. Sudesh applied for her appointment on compassionate ground as her husband was the sole bread earner in the family. She was taken in job on compassionate ground w.e.f. 03.05.2016 for a period of 89 days. After said period of 89 days, the workman Smt. Sudesh was not allowed duties. Thereafter, workman concerned approached the management again and again and ultimately, vide office order dated 06.01.2017; she was again allowed duties on compassionate ground. Since then till date, the workman Smt. Sudesh was continuously discharging her services without any break. Her engagement on compassionate ground was always to be made on regular and permanent basis but to the contrary, the management illegally took her in job as a daily wager employee w.e.f. 03.05.2016 which is totally illegal, bad and unjust. She was also eligible for appointment in accordance with the conditions laid down in the scheme for appointment on compassionate ground by the Government of India vide office memorandum dated 30.06.1987. In the similar circumstances the management had given employment on compassionate ground to other employees on regular basis but had denied the same to the workman concerned which is violative of Article 14, 16 of the Constitution of India. She was also discharging same duties as are being discharged by other regular counterparts. The action of the management in employing the workman as daily wager and to continue her as such for years together with the object of depriving her of the status and privileges of permanent workman amounts to unfair labour practice as provided in Section 2 (ra) read with Item No. 10 of the 5<sup>th</sup> Schedule of the **Industrial Disputes Act (hereinafter referred as an “Act”)**, 1947. The demand notice was also served upon the management by hand vide communication dated 28.02.2022, which is duly received in their office, but no reply has been received and it is presumed that the demand has been rejected. Thereafter, conciliation proceedings were also initiated but same resulted into failure due to adamant and non co-operative attitude of the management. She made prayer appointment on compassionate ground be given to her on regular basis (instead of as daily wager) in proper pay scale and allowances with retrospective effect from the initial date of her joining i.e. 03.05.2016.

Respondent had not appearing since long. He was proceeded ex-parte on 23.03.2023.

Now, the matter is listed for ex-parte workman evidence. Claimant is not appearing from several dates to substantiate his claim. AR of the claimant had stated on the previous date that she would try to contact the claimant positively, but, he has not appeared today despite being given several opportunities.

In these circumstances when the workman has not led any evidence to substantiate his claim, his claim is resulted into dismissal. His claim stands dismissed. Award is passed accordingly. A Copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer.

Date: 23.01.2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 465.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयुक्त, पूर्वी दिल्ली नगर निगम, पटपड़गंज औद्योगिक क्षेत्र, दिल्ली प्रबंधन के संबद्ध नियोजकों और सुश्री गीता देवी, (दावेदार श्री लेखराम की कानूनी उत्तराधिकारी), कामगार, द्वारा - महासचिव, नगरपालिका कर्मचारी संघ, तीस हजारी,

दिल्ली के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 128/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल - 42025-07-2025-63-आई.आर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 465.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 128/2021) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Commissioner, East Delhi Municipal Corporation, Patparganj Industrial Area, Delhi** and **Ms. Geeta Devi, (legal heir of the claimant Sh. Lekhram), Worker, Through- The General Secretary, Municipal Employees Union, Tis Hazari, Delhi**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07/2025 –63 IR (DU)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II,  
NEW DELHI**

**ID No.128/2021**

**Ms. Geeta Devi (LR of Late Sh. Lekhram) vs. E.D.M.C.**

**Ms. Geeta Devi, (legal heir of the claimant Sh. Lekhram), S/o Sh. Bhoop Singh,**

Through- The General Secretary,

Municipal Employees Union, Aggarwal Bhawan,

G.T. Road, Tis Hazari, Delhi-110054.

...Applicant/Claimant

Versus

The Commissioner,

**East Delhi Municipal Corporation,**

Plot No. 419, Udhyog Sadan,

Patparganj Industrial Area, Delhi-110092.

...Management/respondent

**Counsels:**

For Applicant/ Claimant:

*Ms. S. Dey, Ld. AR.*

For Management/ Respondent:

*Sh. Rajiv Bhardwaj and Ms. Nazia Mohammad, Ld. AR.*

**Item No.- 32**

I.D. No. 128/2021

11<sup>th</sup> February 2025

**Present:**

**Ms. S. Dey, Ld. AR for the claimant.**

**Ms. Nazia Mohammad, Ld. AR for the management.**

AR for the claimant submits that the reference be disposed of in terms of Para-3 of the written statement filed by the management where the management submitted that it has made necessary corrections in the service book of the claimant.

Record speaks that a reference in regard to the claim had been made to this tribunal by the appropriate government in the following words:

*Whether the worker Sh. Lekhram S/o Sh. Bhoop Singh, working as 'painter' with the management of EDMC is entitled for corrections in his ECR record that he was not on medical leave from 16.09.2018 to 05.10.2018, as raised through Municipal Employees' Union vide letter dated 07.11.2019, and if yes, what directions are necessary in this regard?*

The claimant claims that he has been continuously discharging his services with the management since 20.12.1984. As per the ECR record pertaining to the claimant concerned, he has been shown on medical leave during the period from 16.09.2018 to 05.10.2018 which he was not. He further submits that despite issuing the demand notice, no action has been taken in this regard.

Subsequently, the management appeared and filed its W.S. submitting that corrections have been made in the service book of the respondent. As such, nothing remains outstanding. The benefit of leave encashment of Rs. 6,45,880/- for 300 days has already been given to the claimant.

In view of the above reply of the management and submission of Ld. AR for the claimant, this reference is answered accordingly in terms of Para 3 of written statement wherein the management has acceded the demand of the claimant and made necessary corrections in the service book of the claimant. A copy of this award is sent to the appropriate government for notification, as required under section 17 of the ID act 1947. The file is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated 11.02.2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 466.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रजिस्ट्रार, जवाहरलाल नेहरू विश्वविद्यालय, नई दिल्ली; प्रबंध निदेशक, रक्षक सिक्यूरिटीज प्राइवेट लिमिटेड, सेक्टर-10, द्वारका, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती सुनीता देवी, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 95/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल - 42025-07-2025-62-आई.आर.(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 466.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/2019) of the **Central Government Industrial Tribunal cum Labour Court- II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Registrar, Jawaharlal Nehru University, New Delhi ; The Managing Director, Rakshak Securitas Pvt. Ltd., Sector-10, Dwarka, New Delhi, and, Smt Sunita Devi,** which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07/2025 -62 IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI

**I.D. No. 95/2019**

**Smt. Sunita Devi, C/o Sh. Anil Dalal,**

Address:- Room-3C, 352/2A, Munirka Village,  
New Delhi-110067.

## VERSUS

3. **The Registrar,**

Jawaharlal Nehru University, New Delhi-110067.

4. **The Managing Director, Rakshak Securitas Pvt. Ltd.**

T-5, Plot No-12, Manish Plaza-III, Sector-10, Dwarka,  
New Delhi-110075.

## AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in his claim statement that she was employed as Sanitation Worker (Safai Karamchari) since April, 2005 at the last drawn salary of Rs. 11,985/- p.m. with the management-1 through management-2 who is the contractor. She has remained in continuous, uninterrupted service for 13 years and 7 months with M-1. It is a central university with its campus in New Mehrauli Road, New Delhi-110067. M-1 employs various categories of employees including sanitation worker/Safai Karamchari, mess worker/helper, Khalasi/helper, Beldar, Gardener/maali etc as permanent as well so called contract workers through various sham and bogus contracts. These contractors are sham and bogus. The mentioned work in M-1 is incidental and necessary for running the institution. The work done by above categories is permanent and perennial in nature. So called contract worker are performing identical work as that of permanent workers of management-1 and they were also given similar uniform, masks, gloves as that of permanent workers wear during working hour. The nature and period of work carried out by claimant and other so called contract workers is similar as that of permanent workman of management-1.

The work of the claimant and other so called contract workers was supervised by Sanitary Inspector, Mr. B.S Khandelwal, who is a permanent worker of the M-1. He is in charge of the sanitation work in hostels and monitors the work of so called contract workers. Claimant is an active member of All India General Kamgar Union (JNU Unit). The union through its representative has been regularly raising demands on behalf of so called contract workers before M-1 for better working conditions, equal pay at par with permanent workers, bonus, overtime pay, earned and casual leaves etc. All India General Kamgar Union (JNU Unit) filed an application for equal pay for equal work for so called contract workers before the **Deputy Chief Labour Commissioner**, where they prayed for deciding wages and other amenities equal to the wages and other amenities available to the regular employees of M-1. Deputy Chief Labour Commissioner decided this application and passed an order dated 17.09.2018. The claimant along with other Union members went to the M-1 for implementation of the order dated 17.09.2018, but, it had vehemently denied to implement the order and threatened to terminate the services of the claimant and other union member, for making such demand. Further, M-1 through so called contractor i.e. M-2 issued termination letter dated 27.11.2018 without conducting domestic enquiry. The termination letter was received by her when she went to report for the duty on 28.11.2018. No notice p-ay and retrenchment compensation was paid to her, as required U/s 25 of the I.D Act. The union approached the M-1 and M-2 through its representatives to reinstate the workman, but M-1 took an adamant stand and refused to reinstate her. Hence, she had filed the present claim with the prayer to reinstate her with full back wages. She is unemployed since her date of termination.

M-1 and M-2 have filed their WS respectively. They have denied the averment made in her claim statement. They have also submitted that claim filed by the claimant is not maintainable and is liable to be dismissed.

After completion of the pleadings, following issues have been framed on 08.11.2021 i.e.

1. Whether the proceeding is maintainable.
2. Whether there exist employer and employee relationship between management and the claimant.
3. Whether the service of the claimant was illegally terminated by the management.
4. To what other relief the claimant is entitled to.

Examination of the workman has been done by the workman AR. Now, the matter is listed for cross-examination of the workman. Workman is not appearing since long to cross-examine, inspite of providing a number of opportunities

In these circumstances, when the claimant has not been appearing since long to substantiate her claim, it appears that she is not interested to pursue her case. Her claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 07.01.2025

नई दिल्ली, 17 मार्च, 2025

का.आ. 467.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करदाता सेवा महानिदेशक, केन्द्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड, केन्द्रीय राजस्व (सीआर) भवन, आई.पी. एस्टेट, नई दिल्ली; एससीएस एंटरप्राइजेज, 1790, प्रथम तल, चूना मंडी, पहाड़गंज, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती ज्योति, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 206/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था।

[सं. एल - 42025-07-2025-64-आई.आर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 467.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 206/2021) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director General of Taxpayer Services, Central Board of Indirect Taxes & Customs, Central Revenues (CR) Building, I.P. Estate, New Delhi ; SCS Enterprises, 1790, 1st Floor, Chuna Mandi, Paharganj, New Delhi,** and, **Smt. Jyoti**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07-2025 –64 IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI

**I.D. No. 206/2021**

**Smt. Jyoti, W/o Sh. Raj Kumar,**

**R/o-** House No.-540/14, Nai Basti, Kishan Ganj,  
Delhi-110007.

VERSUS

1. **Director General of Taxpayer Services,**

Central Board of Indirect Taxes & Customs,

Central Revenues (CR) Building, I.P. Estate, New Delhi-110002.

2. **SCS Enterprises,**

1790, 1<sup>st</sup> Floor, Chuna Mandi, Paharganj,

New Delhi-110055.

*Appearance*

*For claimant: None*

*For respondents: None.*

#### AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in her claim statement that she was working with the management-1 through management-2 (contractor) at the post of MTS since 15.07.2019 at the last drawn salary Rs. 16,500/- per month and she was receiving the salary of Rs. 12,900/- per month after deductions made by the management towards ESIC and provident fund. During the course of her employment, she had performed her duties with utmost dedication and without any complaints from the managements. One Sh. Yogesh, TA started to get informal with the workwomen and misbehaved

with her and threatened her that if she does not accept his whimsical and illegal demands then he would get her terminated. She made a complaint against Sh. Yogesh to senior officials and before Delhi Women Commission in the year 2019. Thereafter, on 31.08.2020, her services were terminated and she was told not to come for work. She was continuous and uninterrupted employee of the management till 31.08.2020 and she was terminated from her services in sheer illegal manner. She had gone to the conciliation officer, but, it was resulted into failure. Hence, she filed the present claim.

Management-1 & 2 have appeared and filed their WS respectively. They have denied the averment made in claimant's claim. They also submitted that her claim be dismissed.

After completion of the pleadings, following issues have been framed on 08.08.2022 i.e.-

1. Whether the proceeding is maintainable.
2. Whether the claimant was an employee working under M1 and there exists employer and employee relationship between them.
3. Whether the service of the workman was illegally terminated by the management no. 1 and 2.
4. To what relief the claimant is entitled to.

Now, the matter is listed for workman evidence. Workman is not appearing since long to substantiate her claim, inspite of providing a number of opportunities

In these circumstances, when the claimant has not been appearing since long to substantiate her claim, it appears that she is not interested to pursue her case. Her claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 27.02.2025

नई दिल्ली, 17 मार्च, 2025

**का.आ. 468.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स दिल्ली मेट्रो रेल कॉर्पोरेशन, मेट्रो भवन, बाराखम्भा रोड, नई दिल्ली; मेसर्स स्कैन गार्ड प्रोटेक्शन सर्विसेज (पी) लिमिटेड, अशोक नगर, दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री संजय कुमार, एवं श्री अशोक कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-2 नई पंचाट (संदर्भ संख्या 31/2018, 32/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.03.2025 को प्राप्त हुआ था

[सं. एल - 42025-07-2025-57-आई.आर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th March, 2025

**S.O. 468.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2018, 32/2018) of the **Central Government Industrial Tribunal cum Labour Court- II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Delhi Metro Rail Corporation, Metro Bhawan, Barakhamba Road, New Delhi ; M/s Scan Guard Protection Services (P) Ltd., Ashok Nagar, Delhi, and, Shri Sanjay Kumar, & Shri Ashok Kumar, Worker**, which was received along with soft copy of the award by the Central Government on 12.03.2025.

[No. L-42025-07/2025 -57 IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM - LABOUR COURT NO. II,  
NEW DELHI**

**ID No. 31/2018, 32/2018**

**Sh. Sanjay Kumar and and Sh. Ashok vs. D.M.R.C. & Ors.**

#### 1. Sh. Sanjay Kumar

S/o Kulanand Jha,  
R/o B-788, J.J. Camp  
Suraj Park Sector-18 Rohini  
New Delhi-42.

**2. Sh. Ashok Kumar**

S/o Sh. Vijay  
R/o N-41 B-974 JJ Camp  
Surajpark Badli  
Delhi-110042.

...Applicants/Claimants

Versus

**1. M/s Delhi Metro Rail Corporation**

Metro Bhawan, Barakhamba Road  
New Delhi-110001.

**2. M/s Scan Guard Protection Services (P) Ltd.**

29/1 A, D/S First Floor, Ashok Nagar  
Delhi-18.

... Managements/respondents

**Counsels:**

For Applicants/ Claimants:

*Sh. Ramjeet Singh, Ld. AR.*

For Managements/ Respondents:

*Sh. Gulab Chandra Jha, Manager, Legal for management-1 i.e. DMRC.*

*Sh. Dhiraj, representative for management-2 i.e. M/s Scan Guard Protection Services (P) Ltd.*

**AWARD**

**07.03.2025**

By this Composite order, I shall dispose of the two petitions filed under section **2-A of Industrial Disputes Act, 1947 (Herein after referred as 'the Act')**. Since the respondents are the same in both petitions, these are being taken together.

2. Both claimants allege that they were in the employment of DMRC through the contractor **M/s Scan Guard Protection Services (P) Ltd.** Before proceeding further, brief facts regarding these claim petitions are required to be produced herein. The details of the claimants, whose claims are being dealt with, are given below in the tabular form:

workman	Post	Salary	Date of appointment	Date of termination
Sh. Sanjay Kumar	Housekeeper	14,000/- p.m.	15.09.2015	01.09.2017
Sh. Ashok	Housekeeper	12,000/- p.m.	One year prior to termination	01.09.2017

3. The claimants submitted that though the management used to deduct contribution of ESI and PF, but didn't provide them with the said facilities. They also alleged that the management used to withdraw Rs. 4,000/- from their bank accounts through ATM. Additionally, the management failed to provide them with legal facilities, such as Appointment Letter, Annual Leaves, Casual Leaves, Bonus, Overtime etc. When they demanded the said facilities, the management got irritated and terminated their services w.e.f. 01.09.2017. They averred that the action of management in terminating their services is bad illegal, bad, unjust and malafide. They sent their demand notice dated 23.09.2017, but no reply was received. Therefore, they were constrained to file the complaint before **Assistant Labour Commissioner (Central), Jeevan Deep Building, 4<sup>th</sup> Floor, Sansad Marg, New Delhi**. Despite filing the complaint, they were not reinstated. Hence, they filed these claims.

4. In response, **management-1 (DMRC)** appeared and filed the reply, objecting that there was no employee-employer relationship between them and the claimants. The claimants were the employees of an independent contractor **M/s Scan Guard Protection Services Ltd.,** (impleaded as management-2). Management-1 stated had entered into service agreement with management-2 for providing a work force. The claimants had been enrolled under the **Employees Provident Fund and Miscellaneous Provisions Act, 1952, Employees State Insurance under the**



**Employees State Insurance Act, 1948**, and their contributions used to be deposited by management-2. Lastly, management-1 submitted that claims of the claimants be dismissed qua him.

5. Management-2 didn't file a formal written statement, as it didn't enclose the affidavit. It filed a letter addressing the tribunal, submitting that they were working as a Housekeeping Contractor for the mechanized cleaning at the three stations of Badli Section under contract awarded by the Delhi Metro Rail Corporation Ltd., New Delhi. It submitted that the claimants were engaged by them as Housekeepers at badli Metro Station. It further submitted that strength of manpower, under the contract, was subject to change as per directions of the principle employer. The strength of work force was rationalized by the Delhi Metro Rail Corporation Ltd. and they were directed to reduce the manpower strength at the metro station under their contract w.e.f. 01.09.2017. The decision of management-1 was conveyed to them in the last week of July 2017, and a letter dated 02.08.2017 was also issued to them, by the Delhi Metro Rail Corporation. Accordingly, they issued one month notice dated 01.08.2017 to the claimants, clearly mentioning their last day of work as 31.08.2017. One month notice was duly issued to the claimants and wages for notice period were also duly credited to the bank accounts of the claimants.

6. After completion of the pleadings, following issues were framed vide order dated 18.12.2018 :

1. If the proceeding is maintainable.
2. If the termination of service of the workman applicant is legal and justified.
3. If the workman is entitled to reinstatement with full back wages.
4. If both the respondents are jointly or severally liable for the relief sought for.

7. Both claimants and management-1 had tendered their affidavit of evidence. **Management-2 i.e. M/s Scan Protection Services (P) Ltd.** didn't bring any evidence to rebut the claimants' claims. Both claimants in their evidence reiterated the facts, as mentioned in their respective claim statements, submitting that managements had terminated their services w.e.f. 01.09.2017 in violation of legal provisions of the Act. Claimant Sh. Ashok relied upon five documents i.e. legal demand notice (Ex. WW1/1), postal receipt (Ex. WW1/2), complaint written to the Central Labour Commissioner, New Delhi (Ex. WW1/3), Identity card issued to him by management-2 (Ex. WW1/4), and his bank passbook (Ex. WW1/5), whereas Sh. Sanjay also relied upon five documents i.e. legal demand notice (Ex. WW1/1), postal receipt (Ex. WW1/2), complaint written to the Central Labour Commissioner, New Delhi (Ex. WW1/3), Identity card issued to him by management-2 (Ex. WW1/4), and his bank passbook (Ex. WW1/5). Both claimants were cross-examined by management-1. They admitted that:

- They were working as housekeeping staffs respectively at Rohini, sector-18 and Samaypur Badli metro station.
- Identity cards were issued to them by the contractor (management-2),
- Initially they were getting their remuneration in cash and subsequently started to get their salary through bank transfer. The amount used to be transferred by team leader of management-2.
- Their work used to be supervised by the officials of management-2.
- they made oral complaint to management-1 (DMRC) when their service was terminated, and no termination letter was supplied to them by management-2.

8. Management-1 had also tendered its affidavit of evidence, reiterating that there was no employer-employee relationship between DMRC and the claimants, and they were the employed at the premises of management-1 through the contractor.

9. AR for the claimants argued that, since they were employed through management-2 and their services had been terminated illegally by management-2. Since management-2 didn't lead any evidence to rebut the claimants' averment. Hence, it is proved that the claimants' service had been terminated illegally by management-2.

10. So far so, the management-1 is concerned, AR for the claimants has conceded that no relief has been sought from them. However, management-1 had been impleaded as the principal employer, and it was management-1's responsibility also to comply with the legal provisions and ensure PF and ESI deductions by management-2.

11. Before proceeding further, text of section 25F, G and H of the Act are required to be reproduced herein :

**25F. Conditions precedent to retrenchment of workmen:** No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2 [for every completed year of continuous service] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government 3 [or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

**25G. Procedure for retrenchment.**—Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

**25H. Re-employment of retrenched workmen.**—Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity 4[to the retrenched workmen who are citizens of India to offer themselves for re-employment and such retrenched workman] who offer themselves for re-employment shall have preference over other persons.

12. In light of the evidence and arguments addressed, my findings are as follows:

i. The claimants in their cross-examination admitted that their services had been terminated illegally and management-2 failed to rebut the claimants' averment, the proceeding is held to be maintainable. Therefore, issue-1 goes in favor of the claimants.

II. In the present scenario, it is undisputed that the claimants in question were the employees of management-2 and they were deployed as Housekeeping staffs at the premises of management-1. However, management-2 hasn't complied with any condition as prescribed under section 25F of the Act before retrenching the claimants from their respective roles, which is mandatory by law. Management-2 did not lead any evidence to prove that they had complied with any condition before retrenching the claimants. They only took the defense that they had complied with the condition that they had served the notice pay, in pursuance of the letter issued by management-1, requesting them to reduce the strength. Management-2 failed to bring its evidence to prove their defense. Therefore, the assertion of the claimants, in their respective claim statements as well as evidence that they had been terminated illegally, remains unchallenged, unrebutted and uncontroverted. It has been established from their testimonies that they had worked with management-2 for the relevant periods (mentioned in the table above). In the light of above findings, issue no.2 goes in favor of the claimants, as they have proved that they had worked in an industry and had been terminated illegally.

iii. So far so, the issue no. 4 is concerned, it has been admitted by the claimants that they had been employed and supervised by management-2. Therefore, only management-2 is held liable for the relief sought. Hence, issue no.4 is decided accordingly.

iv. Now the question remains what relief the claimants are entitled. Both claimants in their evidence submitted that they were unemployed since the date of their termination. Management-2 didn't lead any evidence to rebut these claims and prove gainful employment of the claimants. The defense set out by management-2 in the alleged written statement is that they had retrenched the claimants in compliance of direction issued by management-1 for reducing the man power strength, and they had paid the claimants one month salary as well as the notice. However, they failed to prove their defense, as they didn't lead any evidence.

v. It is held by the Hon'ble Supreme Court of India in the case titled as **Employers, Management of central P& D Inst. Ltd. Vs Union of India & Another, AIR 2005 Supreme Court 633** that it is not always mandatory to order reinstatement even after the termination is held illegal. Instead, compensation can be granted by the industrial adjudicator. Similar views were expressed by Hon'ble High Court of Delhi in the case titled as **Indian Hydraulic Industries Pvt. Ltd. Vs. Kishan Devi and Bhagwati Devi & Ors., ILR (2007) Delhi 219** wherein it was held by the court that even if the termination of a claimant is held illegal, the industrial adjudicator is not supposed to direct reinstatement along with full back wages and the relief can be moulded according to the facts and circumstances of each case and the court can allow compensation to the claimant instead of reinstatement with back wages. Same view has been expressed by the Apex Court in **Maharashtra State Road Transport Corporation vs. Mahadeo Krishna Naik 2025 Latest Caselaw 157 SC** stating that upon dismissal, being set aside by a court of Law, reinstatement with full back wages is not an automatic relief. In some cases, lump sum compensation is a better relief.

vi. Here, the claimant Sh. Ashok had worked with management-2 for one year, whereas Sh. Sanjay Kumar had worked for almost two year. As the proceedings have been lingered on for over six years. Considering the length of their service, this tribunal considers it just and proper to award lump sum compensation in lieu of reinstatement.

Accordingly, compensation of **Rs. 1,00,000/- (Rupees One lakh Only)** and **Rs. 1,50,000/- (Rupees One lakh Fifty Thousand Only)** is awarded to **Sh. Ashok** and **Sh. Sanjay Kumar** respectively. The award is accordingly passed. A copy of this award be sent to the appropriate government for notification U/S 17 of the I.D Act. A copy of this award is also placed in each of the relevant files. The files are consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated 07.03.2025

नई दिल्ली, 18 मार्च, 2025

**का.आ. 469.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एच डी एफ सी बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 दिल्ली के पंचाट (13/2021) प्रकाशित करती है।

[सं. एल - 12025/01-2025-आई.आर(बी-I) -40]

सलोनी, उप निदेशक

New Delhi, the 18th March, 2025

**S.O. 469.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 13/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No -II Delhi* as shown in the Annexure, in the industrial dispute between the management of **HDFC Bank** and their workmen.

[No. L-12025/01/2025 –IR (B-I)-40]

SALONI, Dy. Director

**ANNEXURE****BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II,  
NEW DELHI****ID No. 13/2021****Sh. Beer Singh,**

Through- Samast Odyogik Shramik Vikas (Regd.),  
367-A, Pocket J & K, Dilshad Garden, Delhi-110095.

Versus

**1. HDFC Bank,**

Gagan Vihar, Delhi-110092.

**2. G.I. Group Pvt. Ltd.,**581/3, 3<sup>rd</sup> Floor, Chirag Delhi, Delhi-110092.**AWARD**

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in his claim statement that he was working with the management-1 through management-2 (contractor) at the post of Security Guard since 13.12.2013 at the last drawn salary Rs. 12,500/- per month. He was deprived of legal facility like appointment letter, Salary Slip, Leave etc and did not pay the minimum wages fixed by the Delhi Government for unskilled employees. When he demanded the same, the management adopted a vindictive attitude towards him and his services were terminated by the management on 02.12.2019 without any written notice or payment in an illegal and improper manner. He had sent the demand letter to the management through speed post on 28.01.2020, but despite receiving the demand letter by the management, no reply was given to the demand letter. He had gone to the conciliation officer, but, it was resulted into failure. Hence, he filed the present claim.

Management-1 was already proceeded ex-parte on 26.04.2022. Management-2 had filed its WS denying the averment made in the claimant's claim. He also submitted that his claim be dismissed.

After completion of the pleadings, following issues have been framed on 26.07.2022 i.e. -

1. Whether the proceeding is maintainable.
2. Whether the claimant was engaged w.e.f. 13.12.2013 under Management No. 1.
3. Whether the claimant was working under management no. 2 as its employee and had voluntarily remained absent from duty w.e.f. 02.12.2019.
4. Whether the service of the claimant was illegally terminated by the management.
5. To what relief the claimant is entitled to.

Now, the matter is listed for workman evidence. Workman is not appearing since long to substantiate his claim, inspite of providing a number of opportunities

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated: 04.03.2025

नई दिल्ली, 18 मार्च, 2025

**का.आ. 470.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 दिल्ली के पंचाट (140/2022) प्रकाशित करती है।

[सं. एल - 12025/01-2025-आई.आर(बी-1)-39]

सलोनी, उप निदेशक

New Delhi, the 18th March, 2025

**S.O. 470.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 140/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No -II Delhi* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025 –IR (B-I)-39]

SALONI, Dy. Director

#### ANNEXURE

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II, NEW DELHI**

**ID No. 140/2022**

**Sh. Prabhat Ranjan, S/o Sh. Shatrughna Prasad Roy,**

R/o- House No.-09, DDA Flats, Pocket-01, Sector-23,

Dwarka, Delhi-110075.

Versus

**1. State Bank of India,**

Card Section, Parliament Street, New Delhi-110001.

**2. Innovsource Services Pvt. Ltd.,**

Plot No.-412, 03<sup>rd</sup> Floor, K-01, Sector-14,

Near Motorola Office, Gurgaon, Haryana-122002.

#### AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in his claim statement that he was appointed by management-1 at the post of Branch Relationship Executive on 25/11/2019 through management-2 (contractor) at the last drawn salary Rs. 21,319/- per month. During the course of his employment, he performed his duties with utmost dedication and without any complaints from managements. On 16/12/2019, he was orally told by management that his services are terminated with immediate effect and he should not come to work again. He approached managements on many occasions seeking reason for his illegal termination and requested to take him back but the management paid no heed to his requests. He had forwarded a written representation dated 28.01.2020 before Assistant Labour Commissioner, Jeevandeep Building, Delhi against illegal acts of managements. Thereafter, the representation was entertained for conciliation but no settlement could be reached only because of adamant attitude of management. Hence, he filed the present claim with the prayer that he be reinstated with full back wages..

Management-1 was already proceeded ex-parte on 10.01.2023. Management-2 had filed its WS denying the averment made in the claimant's claim. He also submitted that workman was absconding from his work from 12.12.2019, and since then he has not joined his services and further the workman instead of joining his duty with the management, filed a resignation letter. He submitted that claim of the claimant is liable to be dismissed.

After completion of the pleadings, following issues have been framed on 12.12.2023 i.e.-

1. Whether there is employee and employer relationship between the workman and management.
2. Whether the termination of the workman is legal and justified.
3. Relief, if any.

Now, the matter is listed for workman evidence. Workman is not appearing since long to substantiate his claim, inspite of providing a number of opportunities

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated: 05.03.2025

नई दिल्ली, 18 मार्च, 2025

**का.आ. 471.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (01/2022) प्रकाशित करती है।

[सं. एल - 41011/51-2021-आई.आर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 18th March, 2025

**S.O. 471.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 01/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L-41011/51/2021 – IR (B-I)]

SALONI, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Radha Mohan Chaturvedi,

Presiding Officer (I/c),

CGIT-cum-Labour Court,

Ahmedabad

Dated 19<sup>th</sup> February, 2025

#### Reference (CGITA) No. - 01 / 2022

The Divisional Railway Manager,

Western Railway,

Opp. GCS Hospital, Asharwa,

Ahmedabad (Gujarat) - 380016

..... First Party

V/s

General Secretary,  
Western Railway Kamdar Sangh,  
Gandhidham,

Kutch (Gujarat) – 370201

.....Second Party

For the First Party

: Shri K. B. Chandel

For the Second Party

: Shri K. R. Mishra

**AWARD**

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-41011/51/2021 -IR (B-I) dated 22.12.2021 for adjudication to this Tribunal.

**SCHEDULE**

“Whether the action of the management Divisional Railway Manager, Ahmedabad by not regularizing ad-hoc services of Shri Laxman Khubchand Gulani to the post of Junior Clerk is illegal and justified? If yes, what relief the workman is entitled to?

1. The reference was received in this Tribunal on 03<sup>rd</sup> January, 2022. The case is listed for filing of written statement by the first party management.
2. The matter is taken up today. Ld. Counsels for both parties are present. Shri K. R. Mishra filed a withdrawal application at Ex. 9 on behalf of the second party workman. Ld. Counsel for the first party has no objection on it.
3. The application Ex. 9 is allowed. As the second party has withdrawn his case / claim, it is established that there is no dispute pending from the second party against first party management.
4. It is therefore just & proper to pass an award considering “no dispute” between the parties.
5. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act, 1947.

RADHA MOHAN CHATURVEDI, Presiding Officer (I/c)

नई दिल्ली, 18 मार्च, 2025

**का.आ. 472.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दीनदयाल पोर्ट ट्रस्ट के प्रबंधक, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (117/2019) प्रकाशित करती है।

[सं. एल - 37011/03/2019-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 18th March, 2025

**S.O. 472.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 117/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Deendayal Port Trust and their workmen.

[No. L- 37011/03/2019 -IR (B-II)]

SALONI, Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD**

Present....

Radha Mohan Chaturvedi,

Presiding Officer (I/c),

CGIT-cum-Labour Court,

Ahmedabad

Dated 20<sup>th</sup> February, 2025

**Reference (CGITA) No. - 117 / 2019**

The Chairman,  
Deendayal Port Trust,  
P.O. Box No. 50, Gandhidham,  
Kutch (Gujarat) – 370201

..... First Party

V/s

The General Secretary,  
Transport & Dock Workers Union,  
21, Yogesh Building, Plot No. 586, Gandhidham,  
Kutch (Gujarat) – 370201

.....Second Party

For the First Party

Shri K. V. Gadhia

For the Second Party

: None

**AWARD**

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-37011/03/2019 -IR (B-II) dated 23.08.2019 for adjudication to this Tribunal.

**SCHEDULE**

“Whether the demand of the union that Smt. Bhavna Khetshi working as Farash on daily rated basis in the establishment of Deendayal Port Trust, should be regularized against the regular post of Farash and consequently all the benefits of regular employee should be provided to her is legal, just and proper? And if yes, what relief the concerned workman is entitled to and to what extent?”

1. The reference was received in this Tribunal on 03.09.2019. The case is listed for filing of statement of claim by the second party union.
2. A period of more than five years has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry despite service of notice to the second party union.
3. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute the claim or the said dispute is no more in existence.
4. It is therefore just & proper to pass an award considering “no claim” filed by the second party.
5. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act, 1947.

RADHA MOHAN CHATURVEDI, Presiding Officer (I/c)

नई दिल्ली, 18 मार्च, 2025

**का.आ. 473.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नाटक पावर कॉर्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/05/2023-24) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल - 22012/29-2023-आई.आर(सी. एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 18th March, 2025

**S.O. 473.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT/NGP/05/2023-24) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Karnataka Power Corporation Limited.** and their workmen, received by the Central Government on 24/02/2025.

[No. L-22012/29/2023 -IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**  
**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR**  
**COURT, NAGPUR**

Case No.CGIT/NGP/05/2023-24

Date: 11.02.2025.

**Party No.1:**

1) The Agent,  
M/s Integrated Baranj OCM,  
Of KPCL, PO/The – Bhadrawati,  
Distt. Chandrapur (M.S. – 442501.  
2) The Baranj Coal Mines Pvt, Ltd.  
C/o IBOCM of KPCL, PO/The –  
Bhadrawati, Distt. Chandrapur.  
Pin – 442501.

V/s

**Party No.2:**

The Rashtriya Koyla Kamgar Sangharsh Sangh,  
C/o IBOCM of KPCL, Tah – Bhadrawati,  
Distt. Chandrapur- 442501.

**AWARD**(Dated: 11<sup>th</sup> February, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) (“the Act” in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Baranj Coal Mines Private Limited and their workman, Shri Namdeo B. Bhadke, for adjudication, as per letter **No.L-22012/29/2023 (IR(CM-II)) dated 31.03.2023**, with the following schedule:-

**“Whether action of the management of Baranj Coal Mines Private Limited (Contractor/Mine Operator of M/s Karnataka Power Corporation Limited) in terminating services of their workman Shri Namdeo B. Bhadke is legal and justified? If not, what relief the concerned workman is entitled to?”**

2. Case is called out. Learned Counsel for the respondent Shri. R.N. Pathade is present before the Court but none is present on behalf of the petitioner. Petitioner is not attending the Court since 07.09.2023. No statement of claim has been filed by the petitioner till date. Likewise no written statement has been filed by the respondent till date. No other evidence has been filed by the petitioner to establish his claim. Claim of the petitioner is not proved so the case is closed.

Hence, it is ordered:

**ORDER**

**The action of the management of Baranj Coal Mines Private Limited (Contractor/Mine Operator of M/s Karnataka Power Corporation Limited) in terminating services of their workman Shri Namdeo B. Bhadke is legal and justified. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 18 मार्च, 2025

**का.आ. 474.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण –सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 26/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/02/2025 को प्राप्त हुआ था।

[सं. एल - 22011/6/2019-आई.आर(सी. एम-II)]

मणिकंदन.एन, उप निदेशक



New Delhi, the 18th March, 2025

**S.O. 474.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 26/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **25/02/2025**.

[No. L-22011/6/2019 –IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW****PRESENT**

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 26/2019

Ref. No. L-22011/6/2019-IR(CM-II) dated: 09.05.2019

**BETWEEN**

श्रीमती गेंदावती पत्नी स्व० रामेश्वर प्रथम, पूर्व सहायक श्रमिक पता 349/199 सुप्पारौस, थाना खालाबाजार. लखनऊ 226001

**AND**

1. क्षेत्र प्रबन्धक, भारतीय खाद्य निगम. 07-आर, डालीबाग, लखनऊ **226001**
2. महा प्रबन्धक उ० प्र०, भारतीय खाद्य निगम, टीसी/3 बी विभूति खण्ड गोमती नगर लखनऊ-**226010**
3. प्रबन्धन निदेशक, भारतीय खाद्य निगम, 16/20 बाराखम्बालेन, नई दिल्ली-**110001**
4. कार्यकारी निदेशक, भारतीय खाद्य निगम, आंचलिककार्यालय (उत्तरी), ए-2ए, 2 बी, सेक्टर - 24 गौतमबुद्ध नगर, (नोयडा)- 201309

**AWARD**

By order No. L-22011/6/2019-IR(CM-II) dated: 09.05.2019 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as the Act) by the Central Government, with following schedule:

*“क्या प्रबन्धन भारतीय खाद्य निगम, नई दिल्ली व अन्य द्वारा श्रीमती गेंदावती पत्नी स्व० रामेश्वर - प्रथम भू० पू० कामगार के पुत्र श्री मोहन लाल को करुणा मूलक आधार पर नौकरी न दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने की हकदार है”*

Thereafter, on 24.07.2019, workman filed claim petition before this Tribunal and the facts stated therein are as under:

- (a) Rameshwar was engaged as ancillary labor in the Food Storage Department, FCI, Lucknow.
- (b) During tenure of his work he died on 24.12.2021. After his death workman, Smt. Gendawati made representation for considering her for giving compassionate appointment; however no heed has been paid.
- (c) In view of said factual background, the present matter has been referred to this Tribunal and relevant as pleaded by workman are as under:

*“9- That after a period of about 16 years now opposite party no. 4 has verbally informed that he has got a circular issued by the opposite party no. 1, hence on the basis of that circular no. 5 of 2003 issued by the opposite party no. 1, only 5% departmental worker will be considered for compasinate ground.*

*10- That it is to submit here that when my husband (Rameshwar-Ist) was died on 4-12-2001 the circular of 5% quota for compassionate ground had not in existence , it was come into force w.e.f. 4-3-2003, the provisions of the circular no. 5/2003 were not applicable as the death of my husband were occured earlier before issuing the said circulars.”*

Workman made following prayer:

*“For the above mentioned facts in the above paras it is clear that the opposite parties have available many post of Handling Labours and the Ancillary Labours are vacant and available at present. In this case your honour will find unpresidential of unfair labour practice with the applicant and have got no legal ground nor morally can justify their stand and it is bad in law.*

*The hon'ble Central Government Industrial Tribunal Cum Laour Court, Lucknow is requested to direct the opposite parties no. 1 to 3 to issue appointment office order to my son Sri Mohan Lal on the vacant post of Handling labour in the interest of justice.”*

On behalf of FCI a written statement has been filed, relevant para quoted hereunder:

*“2. That in reply to the averments of para no.-1 of the application it needs no comments.*

*3. That in reply to the averments of para no.-2 of the application it needs no comments.*

*4. That in reply to the averments of para no.-3 of the application it needs no comments.*

*5. That in reply to the averments of para no.-4 of the application it needs no comments.”*

In spite of notice none appeared on behalf of workman, Smt. Gendawati nor her legal representative; accordingly, I have heard learned counsel for respondent and gone through the records.

Section 10 of the Act deals with the reference of dispute by the Appropriate Government to this Tribunal, reads as under:

*“10. Reference of disputes to Boards, Courts or Tribunals.—(1) I[Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time], by order in writing,—*

*(a) refer the dispute to a Board for promoting a settlement thereof; or*

*(b) refer any matter appearing to be connected with or relevant to the dispute to a Court for inquiry; or*

*(c) refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or*

*(d) refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule, to a Tribunal for adjudication:*

*Provided that where the dispute relates to any matter specified in the Third Schedule and is not likely to affect more than one hundred workmen, the appropriate Government may, if it so thinks fit, make the reference to a Labour Court under clause (c):*

*Provided further that] where the dispute relates to a public utility service and a notice under section 22 has been given, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make a reference under this sub-section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced:*

*Provided also that where the dispute in relation to which the Central Government is the appropriate Government, it shall be competent for that Government to refer the dispute to a Labour Court or an Industrial Tribunal, as the case may be, constituted by the State Government.*

*(1A) Where the Central Government is of opinion that any industrial dispute exists or is apprehended and the dispute involves any question of national importance or is of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such dispute and that the dispute should be adjudicated by a National Tribunal, then, the Central Government may, whether or not it is the appropriate Government in relation to that dispute, at any time, by order in writing, refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule, to a National Tribunal for adjudication.]*

*(2) Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, for a reference of the dispute to a Board, Court, 6[Labour Court, Tribunal or National Tribunal], the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly.*

*(2A) An order referring an industrial dispute to a Labour Court, Tribunal or National Tribunal under this section shall specify the period within which such Labour Court, Tribunal or National Tribunal shall submit its award on such dispute to the appropriate Government.*

*Provided that where such industrial dispute is connected with an individual workman, no such period shall exceed three months:*

*Provided further that where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, to the Labour Court, Tribunal or National Tribunal for extension of such period or for any other reason, and the presiding officer of such Labour Court, Tribunal or National Tribunal considers it necessary or expedient to extend such period, he may for reasons to be recorded in writing, extend such period by such further period as he may think fit:*

*Provided also that in computing any period specified in this sub-section, the period, if any, for which the proceedings before the Labour Court, Tribunal or National Tribunal had been stayed by any injunction or order of a Civil Court shall be excluded.*

*Provided also that no proceedings before a Labour Court, Tribunal or National Tribunal shall lapse merely on the ground that any period specified under this sub-section had expired without such proceedings being completed.*

*(3) Where an industrial dispute has been referred to a Board, 1[Labour Court, Tribunal or National Tribunal] under this section, the appropriate Government may by order prohibit the continuance of any strike or lock-out in connection with such dispute which may be in existence on the date of the reference.*

*(4) Where in an order referring an industrial dispute to 2[a Labour Court, Tribunal or National Tribunal] under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication, 3[the Labour Court or the Tribunal or the National Tribunal, as the case may be], shall confine its adjudication to those points and matters incidental thereto.*

*(5) Where a dispute concerning any establishment or establishments has been, or is to be, referred to a [Labour Court, Tribunal or National Tribunal] under this section and the appropriate Government is of opinion, whether on an application made to it in this behalf or otherwise, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, include in that reference such establishment, group or class of establishments, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of establishments.*

*(6) Where any reference has been made under sub-section (1A) to a National Tribunal, then notwithstanding anything contained in this Act, no Labour Court or Tribunal shall have jurisdiction to adjudicate upon any matter which is under adjudication before the National Tribunal, and accordingly,—*

*(a) if the matter under adjudication before the National Tribunal is pending a proceeding before a Labour Court or Tribunal, the proceeding before the Labour Court or the Tribunal, as the case may be, in so far as it relates to such matter, shall be deemed to have been quashed on such reference to the National Tribunal; and*

*(b) it shall not be lawful for the appropriate Government to refer the matter under adjudication before the National Tribunal to any Labour Court or Tribunal for adjudication during the pendency of the proceeding in relation to such matter before the National Tribunal.*

*Explanation.—In this sub-section, “Labour Court” or “Tribunal” includes any Court or Tribunal or other authority constituted under any law relating to investigation and settlement of industrial disputes in force in any State.*

*(7) Where any industrial dispute, in relation to which the Central Government is not the appropriate Government, is referred to a National Tribunal, then notwithstanding anything contained in this Act, any reference in section 15, section 17, section 19, section 33A, section 33B and section 36A to the appropriate Government in relation to such dispute shall be construed as a reference to the Central Government but, save as aforesaid and as otherwise expressly provided in this Act, any reference in any other provision of this Act to the appropriate Government in relation to that dispute shall mean a reference to the State Government.*

*(8) No proceedings before a Labour Court, Tribunal or National Tribunal in relation to an industrial dispute shall lapse merely by reason of the death of any of the parties to the dispute being a workman, and such Labour Court, Tribunal or National Tribunal shall complete such proceedings and submit its award to the appropriate Government.”*

Further, in addition to said section 2A of the Act reads as under:

*“2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.—5[(1)] Where any employer discharges, dismisses, retrenches, or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.*

(2) Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1).”

And Third Schedule of the Act reads as under:

**“THE THIRD SCHEDULE**

(See section 7A)

**MATTERS WITHIN THE JURISDICTION OF INDUSTRIAL TRIBUNALS**

1. Wages, including the period and mode of payment;
2. Compensatory and other allowances;
3. Hours of work and rest intervals;
4. Leave with wages and holidays;
5. Bonus, profit sharing, provident fund and gratuity;
6. Shift working otherwise than in accordance with standing orders;
7. Classification by grades;
8. Rules of discipline;
9. Rationalisation;
10. Retrenchment of workmen and closure of establishment; and
11. Any other matter that may be prescribed.”

Taking into consideration the above said facts, and the circular no. 01/202 dated 08.01.2020 issued by the General Manager (IR-L), FCI heading of which is “Declaration of Departmental Labour System as Dying Cadre”, relevant paragraph 6 reads as under:

“6. In view of the aforesaid decision of the Govt. of India, the Departmental Labour System stands declared as dying cadre and therefore, all field offices are instructed to ensure that there is no further induction of any worker under this system and wherever any court-case is pending for such induction, appropriate application/affidavit shall be immediately filed before the Hon'ble Court/Tribunal/Authority to bring this circular on record alongwith suitable submissions in consultation with conducting advocate and concerned law officer.”

And thereafter the approval given by the Competent Authority, Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Food and Public Distribution, New Delhi vide dated 03.01.2020.

As well as the judgment passed by the Hon'ble Bombay High Court, Nagpur Bench in PIL no. 84 of 20104, relevant para 30, quoted hereunder:

“30. In that view of the matter, we dispose of the present Public Interest Litigation by passing the following order.

(i) The Government of India is directed to decide the representation made by the Food Corporation of India for grant of exemption under the provisions of Section 31 of the said Act within a period of one month from today, in the light of observations made by us hereinabove within a period of one month from today.

(ii) The Government of India shall decide the issue regarding de-notification of the depots of the Food Corporation of India, in respect of which notification is issued u/s.10 of the said Act, within a period of six months from today, in the light of observations made by us hereinabove and the report of M/s.Deloitt Consultancy and the report of High Level Committee appointed by the Government of India itself.

(iii) We clarify that the respondent/Food Corporation of India would be entitled to transfer the services of departmental labourers from one depot to another subject to protecting their salary and all other service conditions.

(iv) We also clarify that the respondent/ Corporation would be at liberty to implement its policy of change in the Scheme of incentives.

(v) The Government of India shall also take a decision regarding abolition of system of departmental labourers in a phased manner or absorbing their services in other establishments as recommended by the High Level Committee."

Which was upheld by Hon'ble the Supreme Court in Special Appeal (C) No (s) 19218/2016 by order dated 31.07.2017, the relief as claimed by the workman, Smt. Gendawati for compensate appointment cannot be granted.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

27<sup>th</sup> September, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 19 मार्च, 2025

का.आ. 475.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इफको-टोक्यो जनरल इन्सुरेंस कम्पनी लिमिटेड; इंडियन फार्मर्स फर्टिलिसेर कोओपरेटिव लिमिटेड (इफको) के प्रबंधतंत्र के संबद्ध नियोजकों और श्री विवेक कृष्णा मिश्रा के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, लखनऊ, पंचाट (रिफरेन्स न.- 75/2012) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 19.03.2025 को प्राप्त हुआ था।

[सं. जेड - 16025/04/2025-आई.आर(एम)-11]

दिलीप कुमार, अवर सचिव

New Delhi, the 19th March, 2025

**S.O. 475.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 75/2012**) of the **Central Government Industrial Tribunal cum Labour Court, Lucknow** as shown in the Annexure, in the Industrial dispute between the employers in relation to **IFFCO-TOKIO General Insurance Company Limited; Indian Farmers Fertilizer Cooperative Limited (IFFCO)** and **Shri Vivek Krishna Mishra** which was received along with soft copy of the award by the Central Government on 19.03.2025.

[No. Z-16025/04/2025 –IR (M)-11]

DILIP KUMAR, Under Secy.

#### ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

#### PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 75/2012

#### BETWEEN

Vivek Krishna Mishra, son of Sri R.K MISHRA Resident of 1/107, Vijay Khand, Gomti Nagar, Lucknow 226 016.

**AND**

1. IFFCO-TOKIO General Insurance Company Limited, Corporate Office situated at 4<sup>th</sup> and 5<sup>th</sup> Floors, IFFCO Tower, Plot No. 3, Sector 29 Gurgaon - 122 001, Through its Managing Director/Chief Executive Officer.
2. Managing Director/Chief Executive Officer, IFFCO-TOKIO General Insurance Company Limited, Corporate Office situated at 4<sup>th</sup> and 5<sup>th</sup> Floors, IFFCO Tower, Plot No. 3, Sector 29 Gurgaon - 122.001.
3. IFFCO-TOKIO Insurance Services Limited, Corporate office at 2<sup>nd</sup> Floor, IFFCO Tower, Plot No. Sector 29, Gurgaon through its Chief Executive Officer
4. Managing Director, Indian Farmers Fertiliser Cooperative Limited (IFFCO) IFFCO Sadan, C-1, District Centre, Saket Place, New Delhi 10017
5. Executive Director- H.R. IFFCO-TOKIO General Insurance Company Limited, Corporate Office situated at 4<sup>th</sup> (TH) and 5<sup>th</sup> m Floors, IFFCO Tower, Plot No. 3, Sector 29 Gurgaon - 122 001
6. Branch Manager, IFFCO Bhawan, 8, Gokhale Marg  
Lucknow 226 001

**AWARD**

Sri Vivek Krishna Mishra filed present industrial dispute before this Tribunal u/s 2A of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) on 16.07.2012.

Case/submissions on behalf of the claimant:

Sri Vivek Krishna Mishra in his statement of claim, in brief, has stated as under:

- (a) He was engaged with respondent as Marketing Associate by letter/training agreement dated 03.08.2001.
- (b) By letter 01.10.2002, issued by Head Strategic Marketing Group the work and conduct of the applicant was appreciated.
- (c) On 17.07.2003, agreement entered between claimant and Company was renewed for a period of three months.
- (d) On 01.09.2003 after fulfilling necessary formalities he was appointed on the post Grade E 1 at Lucknow office; however, by letter dated 01.06.2004, transferred from Lucknow office to Aonla. Subsequently, on by letter dated 31.03.2005 he was made incharge of Lateral Spread Centre Bareilly w.e.f. 01.04.2002. In the said post he worked sincerely and was also given incentive of Area Manager as per the scheme of Company.
- (e) On 08.06.2007 he was promoted promoted in S1 Grade and accordingly, the pay and perks of the said post was also paid.

It is further submitted by the claimant that by order dated 05.06.2010, issued by competent authority it was informed to him that management lost faith so his services were terminated/retrrenched w.e.f. 06.05.2010. Said action of the respondent thereby terminating/retrrenching his services without given any notice or notice pay in lieu thereof nor any retrrenchment compensation, as such, the same is contrary to law.

It is also pleaded by the applicant that IFFCO-Tokio General Insurance is an Insurance company as per the provisions of 2 (k) of the Industrial Disputes Act, 1947. IFFCO-Tokio Insurance Services Limited is a wholly owned subsidiary and a retail marketing arm of IFFCO-Tokio General Insurance. It was incorporated on 1st August 2003. Developing of retail and personal lines has been the major focus of the company along with spreading into Tier II & III towns and developing co-operative initiatives for IFFCO-Tokio General Insurance. As such, it is clear that the appropriate government in respect of the above mentioned employers is the Central Government.

In claim petition it is also pleaded by applicant that the employers have acted very arbitrarily and without providing any opportunity to the workman concerned, his services have been terminated, which clearly amounts to violation of the principles of natural justice.

The claimant in his claim statement pleaded that the career in IT IS took a dramatic turn when the applicant/workman was posted in Aonla. In spite of outstanding performance enhancing basic business three times and devising an entire new methodology of lateral centers, could not adjust to the vested interest dominant in the company. In the first instance the target turnover of the applicant/workman was snatched away and credited to the account of the employee who had failed to achieve the desired target failing which he was not entitled for promotion. Similar incident was repeated after a couple of months when the target business in the zone of the applicant/workman was manipulated in favour of his subordinate and upon protest he was summarily transferred without any rhyme or reason. This was midterm transfer when the applicant/workman had already achieved 50% target of Rs 2.25 crore and had become entitled for incentive running to Rs.1.25 lakhs. Double punishment was given for not toeing the line of vested interest i.e. transfer and forfeiture of incentive earned of Rs 1.25 lakhs. This prejudice continued for long and ultimately caused termination.

On the basis of above said findings, it is submitted on behalf of claimant, it is established that he falls under the skilled, technical, operational and clerical as such he is covered under the definition of workman as given u/s 2 's' of the Act.

Accordingly, in view of said factual background the prayer, made by the applicant is as under:

*"WHEREFORE, it is most respectfully prayed that the Hon'ble Court may be pleased to declare that the action of the management in terminating the services of workman vide letter dated 05.06.2010 is neither legal, nor justified and accordingly the workman concerned is entitled to get reinstatement in service together with entire consequential benefits including back wages and other service benefits, in the interest of justice."*

Case/submissions on behalf of the respondent:

On behalf of respondent no. 1, 2 & 5 written statement has been filed and a preliminary objection taken that claimant was in the managerial cadre and doing supervisory nature of work as per his own admission that he was in-charge of his branch therefore, does not fall within the definition of workman as given u/s 2 's' of the Act.

In this regard it is also pleaded by the respondent that claimant is not a workman within the meaning and the ambit of the definition of 'workman' as contained in Section 2 (s) of the industrial disputes Act, 1947 as he was placed at the time of termination of his service in the executive cadre and admittedly he was Branch Head at Bareilly. And in the said capacity he taken reports from field staff and was in- charge of the petty branch cash, sign the documents as Centre Head and he had subordinate staff under him which clearly prove that the petitioner was working in administrative and managerial capacity and thus is not covered under the definition of 'workman' under I.D. Act.

Sri Anuj Kudesia on the basis of pleadings/preliminary objection taken by the respondent, submits that claimant, Sri Vivek Krishna Mishra does not fall with the definition of 'workman' as given u/s 2 's' of the Act; in this regard he placed reliance on the following facts as pleaded by respondent:

*"Supervisor responsibilities include:*

- (i) Setting goals for performance and deadlines in ways that comply with company's plans and vision.*
- (ii) Organizing workflow and ensuring that employees understand their duties or delegated tasks.*
- (iii) Monitoring employee productivity and providing constructive feedback and coaching.*

*Job brief*

*We are looking for a responsible Supervisor to oversee the workflow at our facilities. The is also responsible for coaching, resolving issues and serving as a link between subordinate and upper management.*

*The ideal candidate will be a competent individual who will be able to guide and train employees. He/She will be well-versed in processes under the role's responsibility and will be results-driven and focused.*

*The goal is to ensure that operations are carried out productively so as to ensure profitability and sustainable growth.*

*Responsibilities*

- (i) Set goals for performance and destines in ways that comply with company's plans and vise and communicate them to subordinates.*
- (ii) Organize workflow and ensure that employees understand their duties or delegated tasks.*
- (iii) Monitor employee productivity and provide constructive feedback and coaching.*
- (iv) Receive complaints resolve problems.*
- (v) Maintain time keeping and personnel records.*
- (vi) Pass on information from upper management to employees and vice versa.*
- (vii) Prepare and submit performance reports.*
- (viii) Decide on reward and promotion based on performance.*
- (ix) Hire and train new employees.*
- (x) Ensure adherence to legal and company policies and procedures and undertake disciplinary actions if the need arises."*

In support of his argument, Sri Anuj Kudesia, learned counsel for respondent placed reliance on the judgment passed in following cases:

- a. *Vandana Joshi v. Standard Chartered Bank Ltd., Mumbai (2011) (1) Mh.L.J. 415.*
- b. *Bharti Airtel Limited v. A.S. Raghavendra (2024) SCC OnLine 492.*
- c. *Judgment passed by Bombay High Court, Nagpur Bench at Nagpur in W.P.No. 2101 of 2023 Abott India Limited v. Dipak decided on 13.07.2023.*

Accordingly, it is requested by Sri Anuj Kudesia, learned counsel for respondent that claimant, Sri Vivek Krishna Mishra does not fall within the definition of 'workman' as provided u/s 2 's' of the Act, so the petition filed by him is liable to be dismissed.

Reply on behalf of claimant to preliminary objection:

Sri Inamul Haq, learned counsel for claimant, in rebuttal, on the basis of pleadings, taken by the claimant, which are on record has submitted as under:

*"The claimant was appointed as Training Coordinator was not launched in Lucknow nor the same was issued for Lucknow as such when the applicant was transferred from Noida to Lucknow, the post on which the claimant was working was not available in Lucknow and the claimant was entrusted with the responsibility of back office operation as has also been affirmed by the claimant during his cross-examination.*

*The works and duties of the claimant at the post of Training Coordinator hold no relevance as there was no post of Training Coordinator in Lucknow because the Co-operative model was only working in the state of Uttrakhand and in some parts of Uttar Pradesh but not in Lucknow as such the claimant was not entrusted with the duties of Training Coordinator. The claimant was just handling back office operations as has been affirmed by him during his cross examination.*

*The claimant was performing back office operations as the co-operative model was not launched in Lucknow. Also the Respondent has not annexed any document which shows about any training sessions held by the claimant or any training setup done by the claimant as Training Coordinator. Thus the submissions of the Respondent are liable to be rejected outrightly as the claimant was performing clerical work and not organizing any training sessions. Also it is worthwhile to mention here that the claimant was posted on S1 grade and according to the Service Manual of the Respondent Company, it is the lowest grade for a permanent employee in the company, so how can be entrusted with managerial capacity is to be explained by the Respondent before this Hon'ble Court. The SO grade is the lowest grade on which an employee is posted after completion of his/her probation period and the work of an employees of SO grade is just to provide services and thereafter when the employee is promoted to i grade. In S1 grade the main work of the employee is to do direct sales of insurance policies and achieve the targets as laid down by the company and no managerial function is given to an employee posted in the S1 grade.*

*Even the work of providing training does not fall within the ambit of Managerial or supervisory work as he only guides the trainees but does not have any control over the terms and condition of the appointment of the trainees as such the same post cannot be said to be a Managerial or Supervisory post. Also none of the duties as explained by the Respondent in para 4 of the S.A are supervisory or managerial duties.*

*From the perusal of the annexures referred to by the Respondent, it is not evident that the claimant was performing managerial work. The Respondent has stated that the claimant was working as manager but during the cross examination of the Management Witness, the question was raised as to by which letter the claimant was given the post of Area Manager but the Management Witness failed to pint out any single document by which the post of Area Manager was given to the claimant."*

Sri Inamul Haq, learned counsel for claimant, in support of his case, placed reliance on the judgment passed in following cases:

- a. *Godrej Boycee Manufacturing Limited vs. Shivkranti Kamgar Sanghatana 2024 SCC OnLine Bom 938.*

Accordingly, Sri Inamul Haq, learned counsel for claimant submits that claimant falls wqithin the definition of 'workman' as given u/s 2 's' of the Act.

Finding & conclusion:

In order to decide the fact that whether the claimant, Sri Vivek Krishna Mishra falls within the definition of 'workman' as provided u/s 2 's' of the Act or not, it would be appropriate to have a glance on the definition of 'workman' as given u/s 2 's' of the Act, which reads as under:

*"(s) "workman" means any person employed (including an apprentice) in any industry to do any skilled or unskilled manual or clerical work for hire or reward and includes, for the purposes of any proceeding under this Act in relation to an industrial dispute, but does not include any person employed in the naval, military, or air service of the Crown."*



The definition was amended by Amending Act No. 36 of 1956 which came into force from 29th August, 1956 to read as follows:-

(s) "workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory technical or clerical work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal discharge, or retrenchment has led to that dispute, but does not include any such person -

(i) who is subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(i) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

The change brought about by this Amendment was that the persons employed to do "supervisory" and "technical" work were also included in the definition for the first time by this Amendment, although those who were employed in a supervisory capacity were so included in the definition provided their monthly wage did not exceed Rs.500.

The definition of 'workman' was further amended by Amending Act No.46 of 1982 which was brought into force w.e.f. 21.8.1984 and the same reads as under:-

"(s) "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal discharge, or retrenchment has led to that dispute, but does not include any such person-

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957);

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

A bare perusal of the aforementioned provision clearly indicates that a person would come within the purview of the said definition if he : (i) is employed in any industry; and (ii) performs any manual, unskilled, skilled, technical, operational, clerical or supervisory work.

The Hon'ble the Apex Court in the case of **All India Reserve Bank Employees Association Versus Reserve Bank of India reported in AIR 1966 SC 305** held as under:-

17. However, in view of the importance of the subject and the possibility of a recurrence of such question in other spheres, and the remarks of the National Tribunal as to jurisdiction of the Central Government and itself we have considered it necessary to go into some of the points mooted before us. Before we deal with them we shall read some of the pertinent definitions from the Industrial Disputes Act, 1947 :

"2. In this Act, unless there is anything repugnant in the subject or context,--

(k) "Industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or nonemployment or the terms of employment or with the condition of labour, of any person;

(rr) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes-

(i) such allowances (including dearness allowance) as the workman is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;

(iii) any traveling concession;

but does not include-

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;

(c) any gratuity payable on the termination of his service.

(s) "workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, include, % any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-

(i) who is subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934, or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per menses or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

23. The argument is extremely ingenious and the simile interesting but it misses the realities of the amendment of the Industrial Disputes Act in 1956. The definition of 'workman' as it originally stood before the amendment in 1956 was as follows :-

"2.(s) 'workman' means any person employed (including in apprentice) in any industry to do any skilled (11) 91 L. ed. 104 or unskilled manual or clerical work for hire or reward and includes, for the purposes of any proceedings under this Act in relation to an industrial dispute a workman discharged during that dispute, but does not include any person employed in naval, military or air service of the Government."

24. The amending Act of 1956 introduced among the categories of persons already mentioned persons employed to do supervisory and technical work. So far the language of the earlier enactment was used. When, however, exceptions were engrafted, that language was departed from in clause (iv) partly because the draftsman followed the language of clause (iii) and partly because from persons employed on supervision work some are to be excluded because they draw wages exceeding Rs. 500 per month and some because they function mainly in a managerial capacity or have duties of the same character. But the unity between the opening part of the definition and clause (iv) was expressly preserved by using the word 'such' twice in the opening part. The words, which bind the two parts, are not-"but does not include any person". They are -- "but does not include any such person showing clearly that what is being excluded is a person who answers the description " employed to do supervisory work" and he is to be excluded because being employed in a 'supervisory capacity' he draws wages exceeding Rs. 500 per month or exercises functions of a particular character. The scheme of our Act is much simpler than that of the American statutes. No doubt like the Taft-Hartley Act the amending Act of 1956 in our country was passed to equalize bargaining power and also to give the power of bargaining and invoking the Industrial Disputes Act to supervisory workmen, but it gave it only to some of the workmen employed on supervisory work. 'Workman' here includes an employee employed as supervisor. There are only two circumstances in which such a person ceases to be a workman. Such a person is not a workman if he draws wages in excess of Rs. 500 per month or if he performs managerial functions by reason of a power vested in him or by the nature of duties attached to his office. The person who ceases to be a workman is not a person who does not answer the description "employed to do supervisory work" but one who does answer that description. He goes out of the category of "workmen" on proof of the circumstances excluding him from the category."

Further in the case of **H.R. Adyanthaya & others Versus Sandoz India Ltd. reported in (1994) 5 SCC 373**, the Hon'ble Apex Court held as under:-

"10. It is thus obvious from the decision that the contention on behalf of the workman before the Industrial Tribunal as well as before this Court was that the employee was doing either manual or clerical work, and that not only he had no supervisory duties but he was doing his work under the direction of his superiors and, therefore, he was a workman within the meaning of the definition of workman as it stood then. The dispute in question had arisen prior to 6th January, 1956. The definition of 'workman' at the relevant time

included only those persons who were employed to do any skilled or unskilled manual or clerical work. Hence the relevant contention on behalf of the workman which was negated by this Court. An inference from this decision is also possible, viz., that if the employees' work was mainly manual or clerical, he would have, even as the definition stood then, been covered by it."

(see *C.G. Gupta Versus Glaxo Smith Klein Pharmaceutical Limited* reported in (2007) 7 SCC 171)

And the Hon'ble the Apex Court in the case of *Chauharya Tripathi & others Versus L.I.C. of India & others* reported in 2015 (7) SCC 263, in Para-7 held as under:-

"7. Keeping in view the question posed at the beginning, we are obligated to make a survey of the authorities that have been pronounced by this Court specifically pertaining to the Development Officers working in LIC. A three-Judge Bench of this Court in *S.K. Verma vs. Mahesh Chandra & Anr.* 3, adverted to the definition of 'workman' as originally defined under Section 2(s) of the Act and the substantial amendment that was brought in 1956 in respect of the definition of 'workman' and referred to the decision in *Workmen vs. Indian Standards Institution* 4 and dwelled upon the hierarchy of officers working in LIC, the duties performed by such officers and 2 (2008) 11 SCC 319 3 (1983) 4 SCC 214 4 (1975) 2 SCC 847 eventually held thus :

"A perusal of the above extracted terms and conditions of appointment shows that a development officer is to be a whole time employee of the Life Insurance Corporation of India. that his operations are to be restricted to a defined area and that he is liable to be transferred. He has no authority whatsoever to bind the Corporation in anyway. His principal duty appears to be to organise and develop the business of the Corporation in the area allotted to him and for that purpose to recruit active and reliable agents, to train them to canvass new business and to render post-sale services to policy-holders. He is expected to assist and inspire the agents. Even so he has not the authority to appoint agents or to take disciplinary action against them. He does not even supervise the work of the agents though he is required to train them and assist them. He is to be the 'friend, philosopher and guide' of the agents working within his jurisdiction and no more. He is expected to stimulate and excite the agents to work, while exercising no administrative control over them. The agents are not his subordinates. In fact, it is admitted that he has no subordinate staff working under him. It is thus clear that the development officer cannot by any stretch of imagination be said to be engaged in any administrative or managerial work. He is a workman within the meaning of s.2(s) of the Industrial, Disputes Act."

(See also : *Om Carrying Corporation Versus Tilock Narang & others* reported in 2016(148) FLR 915 & *T.Boby Francis Versus Lucy Varghese & others* reported in 2016(149) FLR 866 and *Jagdish Prasad Sharma Versus Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Gurugram & another* reported in 2023 (178) FLR 565)

The Hon'ble Bombay High Court in the case of *M/s S.K. International & another v. Ashok Tanaji Tambe & another* 2024 (180) FLR 994 has held as under:

"17. On the aspect of determination of status of workmen, within the meaning of Section 2(s) of the ID Act, 1947, the legal position is fairly crystalized. Such determination must be based on the appreciation of the nature of the duties performed by the employee. Nomenclature of the post, which the employee holds, is not of decisive significance. The description of the nature of the duties also does not furnish a surer foundation for determination. Use of grandstanding expressions and management jargon to describe otherwise ordinary and normal functions, is not uncommon. It is, therefore, necessary to correctly appreciate the nature of the core duties discharged by a person whose status is questioned.

18. Section 2(s) of the ID Act, 1947 defines the expression workman to mean any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward. In the case of *H.R. Adyanthaya and ors. v. Sandoz (India) Ltd.*, the Constitution Bench of the Supreme Court enunciated that to be qualified to be workman under Section 2(s), the person must be employed to do the work which falls in any of the specified categories, manual, unskilled, skilled, technical, operational, clerical or supervisory. To put it in other words, it is not enough that a person is not covered by any of the four exceptions to the definition. It is also fairly well settled that the burden is on the person, who asserts the status of the workman under Section 2(s) to establish with reference to the dominant nature of his duties that the work which the said person performs falls within one of the specified categories under Section 2(s) of the Act, 1947.

19. In the case of *Burmah Shell Oil Storage and Distribution Company of India Ltd. v. The Burmah Shell Management Staff Association and others*, the Supreme Court adverted to a situation where an employee is entrusted to discharge multifarious duties. In such cases, the Supreme Court held, it would be necessary to determine under which classification the employee will fall for the purpose of finding out whether he does not go out of the definition of "workman" under the exceptions. The principle is now well

settled that for this purpose, a workman must be held to be employed to do that work which is the work he is required to do, even though he may be incidentally doing other types of work. The Supreme Court referred to its earlier decision in the case of *Ananda Bazar Patrika (P) Ltd. v. Workmen*", where the principle was enunciated as under:

"3. The question whether a person is employed in a supervisory capacity or on clerical work, in our opinion, depends upon whether the main and principal duties carried out by him are those of a supervisory character, or of a nature carried out by a clerk. If a person is mainly doing supervisory work, but, incidentally or for a fraction of the time, also does some clerical work, it would have to be held that he is employed in supervisory capacity; and, conversely, if the main work done is of clerical nature, the mere act that some supervisory duties are also carried out incidentally or as a small fraction of the work done by him will not convert his employment as a clerk into one in supervisory capacity....." (Emphasis supplied)

20. In the case of *Arkal Govind Raj Rao v. CIBA Geigy and India Ltd.*, another three-Judge Bench of the Supreme Court re-exposed the principle in the following words:

"6. where an employee has multifarious duties and a question is raised whether he is a workman or someone other than a workman the Court must find out what are the primary and basic duties of the person concerned and if he is incidentally asked to do some other work, may not necessarily be in tune with the basic duties, these additional duties cannot change the character and status of the person concerned. In other words, the dominant purpose of employment must be taken into consideration and the gloss of some additional duties must be rejected while determining the status and character of the person....."

21. A useful reference in this context can also be made to a decision of the Supreme Court in the case of *S.K. Maini v. M/s. Carona Sahu Company Ltd. and Anr.* wherein it was enunciated that when an employee is employed to do the types of work enumerated in the definition of workman under Section 2(s), there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complexity of industrial or commercial organisation quite a large number of employees are often required to do more than one of work. In such cases, it becomes necessary to determine under which classification the employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it. In this connection, reference may be made to the decision of this Court in *Burmah Shell Oil Storage (supra)*. In *All India Reserve Bank Employees' Assn. v. Reserve Bank of India*, it has been held by this Court that the word 'supervise' and its derivatives are not words of precise import and must often be construed in the light of context, for unless controlled, they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. It has been rightly contended by both the learned counsel that the designation of an employee is not of much importance and what is important is the nature of duties being performed by the employee. The determinative factor is the main duties of the employee concerned and not some works incidentally done. In other words, what is, in substance, the work which employee does or what in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of 'workman' as defined in Section 2(s) of the Industrial Disputes Act."

Moreover, the Hon'ble Supreme Court by means of judgment dated 2.4.2004 passed in the case of ***M/s. Bharat Airtel Limited Versus A.S. Raghavendra passed in Civil Appeal No.5187 of 2023 (2024 INSC 265)*** after taking into consider the definition of 'workman' as given u/s 2 's' of the I.D. Act, 1947; held as under:-

"23. The records also show that the respondent, in fact, performed a supervisory role over the managers and was the Assessing Manager of his team, which consisted of Managers in the B-1 & B-2 Levels. Moreover, after adducing the evidence led by both sides, the Labour Court vide a detailed order and discussion, has held the respondent not to be covered under "workman" as per Section 2(s), ID Act. The learned Single Judge has not appreciated the discussion by the Labour Court and the available evidence in their true perspective, relying mainly upon the judgment in *Ved Prakash Gupta (supra)*. In Paragraph 12 of *Ved Prakash Gupta (supra)*, it was held "...It must also be remembered that the evidence of both WW1 and MW1 shows that the appellant could never appoint or dismiss any workman or order any enquiry against any workman. In these circumstances we hold that the substantial duty of the appellant was only that of a Security Inspector at the gate of the factory premises and that it was neither managerial nor supervisory in nature in the sense in which those terms are understood in industrial law. In the light of the evidence and the legal position referred to above we are of the opinion that the finding of the Labour Court that the appellant is not a workman within the meaning of Section 2(s) of the Act is perverse and could not be supported."

24. A bare perusal of the above makes it crystal clear that absence of power to appoint, dismiss or conduct disciplinary enquiries against other employees was not the only reason for the Court to conclude in *Ved Prakash Gupta (supra)* that the appellant therein was a “workman”. At this juncture, we may note that although *Ved Prakash Gupta (supra)* was decided by a 3-Judge Bench, in a later judgment by a 2-Judge Bench of this Court in *S K Maini v M/s Carona Sahu Company Limited*, (1994) 3 SCC 510, it was held that “...It should be borne in mind that an employee discharging managerial duties and functions may not, as a matter of course, be invested with the power of appointment and discharge of other employees. It is not unlikely that in a big set-up such power is not invested to a local manager but such power is given to some superior officers also in the management cadre at divisional or regional level. ...” The judgment in *S K Maini (supra)* is innocent of *Ved Prakash Gupta (supra)*, but we do not find any inconsistency in the statement of law laid down in *S K Maini (supra)*, given our reading of *Ved Prakash Gupta (supra)* as enunciated hereinabove.

25. That being said, in our considered view, mere absence of power to appoint, dismiss or hold disciplinary inquiries against other employees, would not and could not be the sole criterion to determine such an issue. Holding otherwise would lead to incongruous consequences, as the same would, illustratively, mean that, employees in high-ranking positions but without powers to appoint, dismiss or hold disciplinary enquiry would be included under the umbrella of “workman” under Section 2(s), ID Act. We cannot be oblivious of the impact of our decisions. In this context, reference to the decision in *Shivashakti Sugars Limited v Shree Renuka Sugar Limited*, (2017) 7 SCC 729 is apposite:

“43. It has been recognised for quite some time now that law is an interdisciplinary subject where interface between law and other sciences (social sciences as well as natural/ physical sciences) come into play and the impact of other disciplines on Law is to be necessarily kept in mind while taking a decision (of course, within the parameters of legal provisions). Interface between Law and Economics is much more relevant in today’s time when the country has ushered into the era of economic liberalisation, which is also termed as “globalisation” of economy. India is on 118 [2024] 4 S.C.R. Digital Supreme Court Reports the road of economic growth. It has been a developing economy for number of decades and all efforts are made, at all levels, to ensure that it becomes a fully developed economy. Various measures are taken in this behalf by the policy-makers. The judicial wing, while undertaking the task of performing its judicial function, is also required to perform its role in this direction. It calls for an economic analysis of law approach, most commonly referred to as “Law and Economics”. In fact, in certain branches of Law there is a direct impact of Economics and economic considerations play predominant role, which are even recognised as legal principles. Monopoly laws (popularly known as “Antitrust Laws” in USA) have been transformed by Economics. The issues arising in competition laws (which has replaced monopoly laws) are decided primarily on economic analysis of various provisions of the Competition Commission Act. Similar approach is to be necessarily adopted while interpreting bankruptcy laws or even matters relating to corporate finance, etc. The impress of Economics is strong while examining various facets of the issues arising under the aforesaid laws. In fact, economic evidence plays a big role even while deciding environmental issues. There is a growing role of Economics in contract, labour, tax, corporate and other laws. Courts are increasingly receptive to economic arguments while deciding these issues. In such an environment it becomes the bounden duty of the Court to have the economic analysis and economic impact of its decisions. 44. We may hasten to add that it is by no means suggested that while taking into account these considerations, specific provisions of law are to be ignored. First duty of the Court is to decide the case by applying the statutory provisions. However, on the application of law and while interpreting a particular provision, economic impact/effect of a decision, wherever warranted, has to be kept in mind. Likewise, in a situation where two views are possible or wherever there is a discretion given to the Court by law, the Court needs to lean in favour of a particular view which subserves the economic interest of the nation. Conversely, the Court [2024] 4 S.C.R. 119 *M/S Bharti Airtel Limited v. A.S. Raghavendra* needs to avoid that particular outcome which has a potential to create an adverse effect on employment, growth of infrastructure or economy or the revenue of the State. It is in this context that economic analysis of the impact of the decision becomes imperative.”

In the case of ***Vandana Joshi v. Standard Chartered Bank Ltd., Mumbai (2011) (1) Mh.L.J. 415*** it was held as under:

“4. Mr. Cama, learned senior counsel appearing on behalf of respondent contested the appeal. He submitted that the letter of appointment and the addendum to it set out the conditions of appointment and the nature of duties of the appellant. He submitted that during the course of evidence, the appellant admitted the document that reflected the nature of her duties. He further submitted that the appellant during the course of her evidence had admitted that her appointment was on the basis of sales and service and that as a sales person, she had to sell the products of the bank. Mr. Cama contends that the nature of the duties that were performed by the appellant will rule out the appellant's assertion that the work which was rendered by her was of a clerical nature. He states that it is for the appellant to discharge burden that she falls within the definition of workman as given in section 2(s) of the Industrial Disputes Act, 1947. Mr. Cama contends that the appellant



failed to discharge the said burden and the Tribunal failed to apply its mind in proper perspective to the evidence on the record. The Tribunal failed to apply tests which are now settled in view of the judgments of the Supreme Court and therefore, the learned Single Judge was justified in interfering with the Tribunal's award. Mr. Cama also submitted that in order to fall within the definition of a workman within the meaning of section 2(s) of the said Act, the appellant must establish that she was employed to do work which falls within one of the stipulated categories in the first part of section 2(s) and it is not enough to show that she is not covered by either of the four exceptions to the definition. He submitted that though the Tribunal erroneously held that the appellant was not employed in managerial or supervisory capacity, there is no finding by the Tribunal that the appellant was working in any of the categories stipulated in the first part of section 2(s) of the Industrial Disputes Act, 1947. He asserted that the appellant is working in lower managerial category and therefore, she is not a workman within the meaning of section 2(s) of the Industrial Disputes Act, 1947. In the above circumstances, he submitted that the learned Single Judge was justified in interfering with the judgment and award of the Tribunal. In order to substantiate his contentions, he relied upon a Constitution Bench judgment in *H. R. Adyanthaya vs. Sandoz (India) Ltd.*, 1994(11) CLR 552. decision of the Supreme Court in *Management of M/s. Sonapat Cooperative Sugar Mills Ltd. vs. Ajit Singh*, 2005(II) CLR 66, decision of the Supreme Court in *Mukesh K. Tripathi vs. Senior Divisional Manager. LIC and ors.*, 2004(111) CLR 534. judgment of the learned Single Judge of this Court in *Dhruba Kumar Changkokoti vs. Travel Corporation of India Ltd. and ors.*, 2000(11) CLR 644. judgment of the learned Single Judge of this Court in *Inthru Noronha vs. Colgate Palmolive (India) Ltd. and ors.*, 2005(2) Mh.L.J. 884 2005(111) LL.J. 95. judgment of the learned Single Judge of this Court in *M. G. Bhide vs. Britannia Industries Ltd. and ors.*, 2005(3) Mh.L.J. 659 2005(III) CLR 307 and judgment passed by a Division Bench of this Court in *C. Gupta vs. Glaxo Smithkline Pharmaceutical Ltd.*, 2004(1) LL.J. 952.

5. We have extensively heard the appellant in person and Mr. Cama, learned senior counsel for the respondent. We have gone through the award passed by the Tribunal as well as the impugned judgment and order along with the statement of claim of the appellant and written statement of the respondent. We have also gone through the evidence on the record and relevant documents relied upon by respective parties and the judgments cited at the Bar. The only issue which is required to be considered in this appeal is whether the appellant was a workman within the meaning of section 2(s) of the Industrial Disputes Act, 1947. A Constitution Bench of the Supreme Court in *H. R. Adyanthaya vs. Sandoz (India) Ltd.*'s case (supra) held that in order that a person can be designated as a workman under section 2(s) he/she must be employed to do work which falls within one of the stipulated categories viz. manual, unskilled, skilled, technical, operational, clerical or supervisory and it is not enough that a person is not covered by either of the four exceptions to the definition. Thus, in order to succeed, the appellant is not only required to prove that she is not covered by either of the four exceptions to the definition, but she falls within one of the stipulated categories in the first part of the definition."

The Hon'ble Bombay High Court, Nagpur Bench at Nagpur in W.P. No. 2101 of 2023 *Abott India Limited v. Dipak* decided on 13.07.2023 held as under:

"7. A perusal of the job purpose, role and responsibilities of the respondent/complainant as indicated in Annexure-II would demonstrate that by no stretch of imagination the respondent could be termed as a 'workman'. For the purpose of he being termed as a workman, the requirement under section 2(s) of the ID Act are required to be satisfied. The nature of duties which the respondent is required to perform in terms of the order of appointment and those specifically enumerated in Annexure-II above clearly indicate that the employment of the respondent is neither to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work. The Courts below have not taken into consideration the duties, roles and responsibilities of the respondent as enumerated in Annexure-II to his letter of appointment while rendering a finding that the respondent is a 'workman'. The learned Labour Court in the order dated 28.07.2022 holds the respondent as a 'workman' merely on the ground that the respondent was doing the work of promoting the sales of the products of the petitioner company (pg.115). The learned Industrial Court holds that since the petitioner had failed to show that the respondent has power to recommend and assign work to the subordinate staff or was having the power of purchasing material or machinery or to supervise work of any employees, he was a workman, without considering the dictum in *Standard Chartered Bank (supra)* regarding the changes in the organizational structure on account of passage of time, change in the modern forms of business as considered in para 18 therein. I therefore do not see any reason to sustain the impugned orders passed by the Courts below. They are therefore quashed and set aside and it is held that the respondent/complainant, considering the nature of the duties, is not a workman. Preliminary issue is answered accordingly."

The Hon'ble the Bombay High Court in the case of **Godrej and Boyce Manufacturing Company Ltd. Vs. Shivkranit Kamgar Sanghatana & others 2024 LLR 492** held as under:

"10. Before August 29, 1956, the Industrial Disputes Act's definition of "workman" only included skilled and unskilled manual or clerical workers, excluding those in supervisory, technical roles. However, amendments

in 1956 and 1982 expanded the definition to include these categories. The Supreme Court judgments in *May and Baker (India) Ltd. v. Workmen* AIR 1967 SC 678, *Western India Match Co. Ltd. v. Workmen* 1963:INSC:130 : AIR 1964 SC 472, and *Burmah Shell Oil Storage and Distribution Co. of India Ltd. v. Burma Shell Management Staff Assn.* (1970) 3 SCC 378 interpreted the definition in earlier years, focusing on whether the work done by individuals fell within the categories of manual, clerical, supervisory, or technical. These judgments determined the eligibility of individuals as workmen based on the nature of their tasks. Subsequent judgments in *S.K. Verma v. Mahesh Chandra* (1983) 4 SCC 214] *Ved Prakash Gupta v. Delton Cable India (P) Ltd.* (1984) 2 SCC 569 and *Arkal Govind Raj Rao v. Ciba Geigy of India Ltd.* (1985) 3 SCC 371 failed to notice the earlier decisions and adopted a broader interpretation. They held that individuals not fitting the four specified categories could still be considered workmen- however, the judgment in *A. Sundarambal v. Govt. of Goa, Daman and Diu* (1988) 4 SCC 42 reaffirmed the importance of the earlier precedents, asserting that a person must fall within the defined categories to qualify as a workman. Ultimately, the legal position is crystallized in the case of *H.R. Adyanthaya and Ors. Vs. Sandoz (India) Limited* reported in 1994 5 SCC 737 wherein the five Judges' bench of Apex Court held that to be considered a workman under the ID Act, an individual must be employed in manual, unskilled, skilled, technical, operational, clerical or supervisory. It is not enough that he is not covered by either of the four exceptions to the definition. It is held that to attract provisions of Section 2(s) of the I.D. Act, the employee must show that he performs any work enumerated in the definition and that he is excluded under the four exceptions as provided in the definition.

11. For the adjudication of the status of a workman, what is required to be seen is an emphasis on the actual work performed by such an employee. In other words, if the nature of duties actually performed predominantly shows that he discharges duties to do the work of any of the categories listed in Section 2(s). He is not covered by exceptions of Section 2(s); it would be decisive of the matter that the employee is a workman, and the designation or salary of the employee would be irrelevant.

12. It is now well settled that the adjudication of the issue as to person working within the meaning of Section 2(s) of the I.D. Act has to be determined with reference to the principle of nature of his duties and functions. The dominant purpose of employees must be taken into consideration, and the gloss of some additional duties must be rejected while determining the status and character of a person. The Tribunal needs to first address itself as to various duties assigned to the employees and then draw a conclusion of law as to whether in the light of duties assigned to him would be whether the employee would be working or not."

The Hon'ble Supreme Court in Civil Appeal arising out of SLP (C) No. 5660 of 2023 *Lenin Kumar Ray v. M/s Express Publications (Madurai) Ltd.* Decided on 21.10.2024 held as under:

"15. The law is well settled that the determinative factor for "workman" covered under section 2(s) of the I.D. Act, is the principal duties and functions performed by an employee in the establishment and not merely the designation of his post. Further, the onus of proving the nature of employment rests on the person claiming to be a "workman" within the definition of section 2(s) of the I.D. Act.

16. In the present case, there is no specific document adduced relating to the actual work and functions performed by the employee. In the absence of any concrete material to demonstrate the nature of duties discharged by the employee, the employment orders issued by the management will have to be taken into consideration and as per the same, the employee was appointed as Junior Engineer and was promoted as Assistant Engineer, on the administrative side. It is the evidence of M.W.1 that the employee was supervising the work of two junior Engineers, who were working under him, which was also admitted by the employee in his cross examination, as W.W.1. Even according to the employee, the nature of duties and functions discharged by him was of supervisory. As such, applying the pre-amended provision of section 2(s), since the employee was terminated from service on 08.10.2003 and was drawing salary of more than Rs.1,600/-, he does not come within the definition of "workman". Therefore, we hold that the employee is not a "workman" as defined under section 2(s) and is not covered by the provisions of the I.D. Act. In view of the same, the order of the High Court upholding the finding of the Labour Court that the employee was a "workman" within the definition of post-amended section 2(s), is liable to be set aside."

Accordingly, in not shell it can be said that from perusal of definition of 'workman' indicates that a person would come within the purview of Section 2(s) of the I.D. Act if he is employed in an industry and performs any manual, unskilled, skilled, technical, operational, clerical or supervisory work. Further, the definition also indicates exceptions as to when a person would not be covered in the aforementioned definition. It inter alia states that a person would not be covered under the definition if (i) he is employed in a managerial or administrative capacity or (ii) who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

Reverting the facts of the present case, admitted position which emerged out on the basis of the pleading between the parties, as under:

- “(a) The Claimant Mr. Vivek Mishra was appointed at E1 grade in ITISL vide appointment letter dated 01-09-2003.
- b) Thereafter claimant performed duties as Business Development Manager, which is a managerial post.
- c) The claimant thereafter performed his duties as Incharge/Head of Lateral Spread Centre-Bareilly with key functional responsibilities for managing the entire affairs of the Bareilly Centre and also used to perform his duties for ensuring high level of commitment & service orientation towards customers, achieving GWP budget and COR of the LSC, taking reports from the field staff etc.
- d) On 26-05-2006, incentive of Rs.1,63,000/- was released to the claimant. The incentive was based on the performance of the claimant as Area manager and the amount so released was calculated on basis of the criteria as defined in the incentive scheme for area manager by the Company.
- e) Vide email dated 28-08-2006, the claimant was transferred from Bareilly to New Delhi as Agency Development Manager, again for performing managerial responsibilities
- f) Thereafter vide letter dated 08-06-2007, the Claimant was redesignated at S1 Grade as per the new HR structure and was subsequently transferred to Noida as Co-operative Development Manager vide email dated 12-07-2007 where he performed the job of completing the target for co-operative channel etc.
- g) Vide E-Mail Dated 20-12-2007, the claimant was transferred to Lucknow and was given the responsibility for all the ITISL training activities across the states of Uttar Pradesh and Uttrakhand in connection with the Co-operative Model as well as other training modules being undertaken by ITIS Gurukul Team. The claimant had to work in consultation with the Gurukul Training team at Corporate Office.
- h) At the time of termination, the claimant was posted in Lucknow with role and responsibility for ITIS training activities in the states of Uttar Pradesh and Uttrakhand.

Further, it is also not in dispute in the present case; rather from the perusal of record it is clearly established as under:

A. The Claimant was transferred to Lucknow and was given responsibility of all the ITISL Training Activities across the states of Uttar Pradesh & Uttrakhand in connection with the Co-operative Model as well as other Training Activities being undertaken by ITIS Gurukul Team The Claimant had to work in consultation with the Gurukul Training team at the corporate office.

B. Claimant performed duties as Training Coordinator for Cooperative (Lucknow), mainly including following:

- (i) Connecting with Cooperative Society for Insurance Product awareness.
- (ii) Handling queries from Cooperative Societies along with supervising and coordinating with about 100 nominated agents/consultants.
- (iii) Coordination with Cooperative Societies for Policy issuance / Claim services issues.
- (iv) Coordination with internal departments for providing solutions to Cooperative Societies.
- (v) Providing awareness to Cooperative Society on Insurance Contract / Cover Note utilization.
- (vi) Creating training Set up and holding training sessions.

Thus, in view of above said facts, Sri Vivek Krishna Mishra discharged managerial as well as supervisory nature of work, so, he does not fall with the definition of ‘workman’ as given u/s 2 ‘s’ of the Act.

Accordingly, the present claim petition filed by the claimant/Sri Vivek Krishna Mishra is liable to be dismissed, as not maintainable before this Tribunal under the provisions of Industrial Dispute At, 1947.

For the foregoing reasons claimant/Sri Vivek Krishna Mishra is not entitled for any relief.

Award as above.

Lucknow.

17<sup>th</sup> February, 2025

Justice ANIL KUMAR, Presiding Officer



नई दिल्ली, 19 मार्च, 2025

का.आ. 476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ओएनजीसी लिमिटेड; मेसर्स लायन मैनपावर सोलुशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और इंडियन जनरल लेबर फेडरेशन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद, पंचाट (रिफरेन्स न.- 86/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 19.03.2025 को प्राप्त हुआ था।

[सं. एल - 30011/38/2018-आई.आर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 19th March, 2025

S.O. 476.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 86/2018**) of the **Central Government Industrial Tribunal cum Labour Court, Ahmedabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s ONGC Limited; M/s Lion Manpower Solution Pvt. Ltd.** and **Indian General Labour Federation** which was received along with soft copy of the award by the Central Government on 19.03.2025.

[No. L-30011/38/2018 –IR (M)]

DILIP KUMAR, Under Secy.

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Radha Mohan Chaturvedi,

Presiding Officer (I/c),

CGIT-cum-Labour Court,

Ahmedabad

Dated 20<sup>th</sup> February, 2025**Reference (CGITA) No. - 86 / 2018**

1. The Executive Director – Asset Manager,  
M/s ONGC Ltd., 5<sup>th</sup> Floor, Avani Bhavan,  
Chandkheda, Ahmedabad (Gujarat) – 380005
2. The General Manager-I/c Security,  
M/s ONGC Ltd., Ground Floor, Avani Bhavan,  
Chandkheda, Ahmedabad (Gujarat) – 380005
3. The Director,  
M/s Lion Manpower Solution Pvt. Ltd.,  
Shop No. 34, Sukan Mall, Ground Floor, Nr. Vist Petrol Pump,  
Visat-Gandhinagar Road, Sabarmati,  
Ahmedabad (Gujarat) – 380005

..... First Party

V/s

The Jt. Secretary,  
Indian General Labour Federation,  
28/B, Narain Park, B/h Chandkheda Railway Station,  
Sabarmati, Ahmedabad (Gujarat) – 382470

.....Second Party

For the First Party No. 1 & 2 : Shri K. V. Gadhia  
 For the First Party No. 3 : None  
 For the Second Party : None

### AWARD

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-30011/38/2018 -IR (M) dated 24.09.2018 for adjudication to this Tribunal.

### SCHEDULE

“Whether the demand dated 06.05.2018 of the union through Jt. Secretary, Indian General Labour Federation, Ahmedabad for re-appointment of Shri Santosh Singh Rajawat in the job of security guard under M/s Lion Manpower Solution Pvt. Ltd., present contractor at ONGC Ltd., Ahmedabad against the ONGC Ltd., Ahmedabad is proper, legal and justified? If yes, what relief Shri Santosh Singh Rajawat is entitled to and what other directions, if any, are necessary in the matter?”

1. The reference was received in this Tribunal on 01.10.2018. The case is listed for filing of statement of claim by the second party union.
2. A period of more than six years has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry despite service of notice to the second party union.
3. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute the claim or the said dispute is no more in existence.
4. It is therefore just & proper to pass an award considering “no claim” filed by the second party.
5. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act, 1947.

RADHA MOHAN CHATURVEDI, Presiding Officer (I/c)

नई दिल्ली, 25 फरवरी, 2025

**का.आ. 477.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/15/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल - 22012/112/2008-आई.आर.(सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

**S.O. 477.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT/NGP/15/2009) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **24/02/2025**.

[No. L-22012/112/2008- IR (CM-II)]

MANIKANDAN. N, Dy. Director

### ANNEXURE

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/15/2009

Date: 31.01.2025.

**Party No.1:** The Chief General Manager,  
 Wani Area of WCL.  
 Post Urjagram Tadali  
 Chandrapur (M.S.)

V/s.

**Party No.2:**

The General Secretary,  
Bhartiya Koyla Khadan Mazdoor Sangh (BMS),  
Wani Majri Area, Vishwakarma Sadan,  
Wani Road, Ghugus Post Ghugus,  
Chandrapur (M.S.)

**AWARD**(Dated: 31<sup>st</sup> January, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Wani Area of WCL and their workman, Smt. Shiv Kumari Yadav, for adjudication, as per letter No. L-22012/112/2008 (IR(CM-II)) dated 31.03.2009, with the following schedule:-

**"Whether the action of the management of Wani Area of WCL in denying the compassionate employment to Smt. Shiv Kumari Yadav W/o Ravindra Yadav, ex-employee of Ghugus O/C Mines and depriving her from other terminal dues in violation of the agreed provision under NCWA is legal and justified? To what relief is the said widow represented through BKKMS Union entitled?"**

2. Case called out. None appeared from the side of petitioner. The petitioner is absent since 18/03/2021 i.e. near about four years. Advocate Shri Thakkar appeared before the Court on behalf of respondent. After registration of the reference notices were issued to the parties and in response to which petitioner filed his statement of claim and the management filed their written statement. In the light of the order passed by the Hon'ble High Court petitioner filed his affidavit but did not come to prove the same and no other evidence has been filed by the petitioner to prove the contents of the statement of claim. Petitioner is habitual of not attending the Court.

3. As the petitioner is not coming since long shows that petitioner is not interested to contest the case and do not want to proceed with the reference, so it is closed.

The case of the petitioner is not proved.

Hence, it is ordered:

**ORDER**

**The action of the management of Wani Area of WCL in denying the compassionate employment to Smt. Shiv Kumari Yadav W/o Ravindra Yadav, ex-employee of Ghugus O/C Mines and depriving her from other terminal dues in violation of the agreed provision under NCWA is legal and justified. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

**का.आ. 478.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/42/2018-19) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल - 22012/40/2017-आई.आर.(सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

**S.O. 478.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT/NGP/42/2018-19) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on 24/02/2025.

[No. L-22012/40/2017- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/42/2018-19

Date: 31.01.2025.

**Party No.1:** Regional General Manager,  
Western Coalfields Ltd., Kanhan Area,  
Dungaria, Tah-Junardeve,  
Distt- Chindwada (M.P.) 480551  
V/s.

**Party No.2:** Mohammad Nasim Siddiqi,  
Zonal Maha-Mantri,  
Coal mines Engineering workers Association,  
Ward no, 10 Gudhi Palachaurahi,  
Distt – Chindwada (M.P.) 480449

**AWARD**(Dated: 31<sup>st</sup> January, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of CISR-National Environmental Engineering Research Institute, Nagpur and M/s Black Belt Multi Solution Pvt. Ltd. Contractor Nagpur and their workman, Shri. Ramchandra Dehankar for adjudication, as per letter No. L-22012/40/2017 (IR(CM-II)) dated 29.10.2018, with the following schedule:-

“क्या महा प्रबंधक, वैस्टर्न कोलफिल्ड्स लिमिटेड, कन्हान क्षेत्र, पोस्ट जूंगरिया, तह. जुन्नरदेव, जिला छिंदवाडा मध्य प्रदेश द्वारा एनसीडब्ल्यूए. के प्रावधान 10.4.4 व एनसीडब्ल्यूए. के प्रावधान 9.4.4 के अनुसार दिनांक 28.02.2014 को सेवानिवृत्त हुए पूर्व कामगार श्रीमती सावित्री के आश्रित पुत्र श्री रोहित सिंह को रोजगार न देना न्यायसंगत है यदि नहीं तो पूर्व कामगार क्या अनुतोष पाने का अधिकारी है?”

2. Case called out. None appeared on behalf of both the parties.

The petitioner is absent since 21/12/2018 i.e. near about six years. No statement of claim has been filed by the petitioner and written statement is also not been filed by the respondent till date. No evidence has been adduced by the petitioner in support of his say/claim.

3. As the petitioner is not coming since long shows that petitioner is not interested to contest the case and do not want to proceed with the reference, so it is closed.

The case of the petitioner is not proved.

Hence, it is ordered:

**ORDER**

महा प्रबंधक, वैस्टर्न कोलफिल्ड्स लिमिटेड, कन्हान क्षेत्र, पोस्ट जूंगरिया, तह. जुन्नरदेव, जिला छिंदवाडा (मध्य प्रदेश) द्वारा एनसीडब्ल्यूए. II के प्रावधान 10.4.4 व एनसीडब्ल्यूए. III के प्रावधान 9.4.4 के अनुसार दिनांक 28.02.2014 को सेवानिवृत्त हुए पूर्व कामगार श्रीमती सावित्री के आश्रित पुत्र श्री रोहित सिंह को रोजगार न देना न्यायसंगत है । श्री रोहित सिंह अन्य किसी अनुतोष पाने के अधिकारी नहीं है।

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer